

1. Definition of Grievance

A grievance can be defined in general terms as the feelings of an individual/person of being treated unjustly or unfairly. This could be where an employee:

- Feels they have been treated less favourably
- Feels aggrieved about a management decision, action or lack of action
- Is unhappy about the conduct of a colleague towards them
- Unfair working practices or working environment

The above list is not exhaustive but illustrative.

2. Definition of Harassment

ACAS defines harassment in general terms as “unwanted conduct affecting the dignity of men and women in the workplace. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

It is a question of whether the person feels intimidated, or the actions of others disrupt harmonious working. Harassment could be related to race, sex, disability, sexual orientation, religious belief, age, nationality, bullying, trade union membership or activity or any other personal characteristic, and may take the form of:

- Verbal/written crude language, offensive jokes, suggestive remarks, wolf-whistles, gossip
- Unnecessary physical contact e.g. touching another employee
- Derogatory or degrading comments
- Coercion ranging from pressure for sexual favours to pressure to participate or comply with political, religious or trade union groups etc
- Assigning inappropriate tasks/impossible deadlines

The above list is not exhaustive but illustrative.

3. Grievance Procedural Matters

3.1. Time Limits

Employees or managers must meet procedural timescales. Extensions or variations of timescales must be agreed by both parties and should not be unreasonably withheld.

Complaints will normally be dealt with as quickly as possible and within the time limits specified within the procedure. However, there may be exceptional circumstances where it is not possible to comply with the timescales. In this situation, there will be reasonable agreement, by all parties, to extend the timescales. The manager involved must write to the employee before the deadline, stating the reasons for the delay and informing the employee of the expected new timescales.

Shorter timescales to those referred to in the procedure may be followed if by mutual agreement.

Managers and employees must make all reasonable attempts to attend meetings as required under the procedure within the specified timescales.

Any reference to days within the procedure is working days, Monday - Friday.

3.2. Keeping Records

It is important that management keep written records of the formal process of dealing with a complaint including any investigation reports and evidence, appeal papers, the outcome of the appeal and any subsequent developments.

On completion of the case, managers should ensure they forward any relevant paperwork in connection with the complaint/appeal to HR to be filed in the employee's file.

Records should be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain personal data.

Under the Data Protection Act 1998, employees have the right to gain access to information that is kept about them including grievance records. Unless there is a legal obligation to do so, the Council need only disclose information about an employee where it concludes that in all the circumstances, it is fair to do so. This duty of fairness is owed primarily to the employee.

In the case of confidential information provided by witnesses to any Investigating Officer, the Council will only disclose confidential information if the individual has clearly agreed or despite the duty of confidence, the employee's interest or the wider public interest justifies disclosure.

Notes should be taken at interviews held as part of an investigation/Formal Meeting and Appeal Hearings (please note that HR does not provide administrative or secretarial support to managers).

4. Links to Other Procedures

If at any stage (informal or formal) of the procedure it is considered a complaint could amount to misconduct under the Council's Disciplinary Procedure, the manager should consider ceasing the Grievance Procedure and formally deal with the issue through the Disciplinary Procedure (that on the basis of the complaint and information presented there appears to be a case of misconduct on the part of the employee or other officer). The manager should seek advice from their manager and HR prior to initiating. Any information already gathered can be used as part of the misconduct procedure.

4.1. Overlapping with Misconduct, Sickness Absence and Performance Procedures

Where an employee raises a grievance complaint during a misconduct process the misconduct process may be temporarily suspended in order to deal with the grievance complaint. Where the grievance complaint and misconduct, sickness absence, performance cases are related it may be appropriate to deal with both issues concurrently.

4.2. Collective Disputes

Where a complaint applies to or is raised by more than one employee, and is of the same nature, it may be appropriate for the issue to be resolved through a single collective dispute and agreed between the trade union(s) and management.

5. Unable to attend meetings/hearings

The employee raising the complaint should make all reasonable attempts to attend the meetings arranged under the procedure and provide adequate information in relation to their complaint within a reasonable timescale.

Where the employee is unable to attend a meeting, either as part of an investigation, the Formal Meeting or Appeal Hearing, due to the unavailability of their TU representative or work colleague, every effort should be made to re-arrange the meeting to a mutually convenient date and time, within the set timescales.

If management have made every reasonable effort to meet with the employee, but a mutually agreed date and time cannot be reached because of unavailability of the employee or representative, the meeting/hearing may take place in absence of either or both and an outcome determined on the resolution in their absence.

The reasons and likely duration for the representative not being able to attend a meeting/hearing should be considered and a minimum of one alternative date and time must have been offered before this action is considered.

Where an employee is off sick and unable to attend a meeting(s), the procedure should continue as far as possible in the absence of the employee.

When the employee is on long-term sickness leave, the manager should refer them to Occupational Health Services (OHS). The referral to OHS should include seeking advice on whether the employee is fit to attend meetings/hearings and/or fit to submit written documentation to be considered in their absence.

6. Tape Recording

Tape recording of interviews/meetings or Appeal Hearings is not normally permitted and must not take place without the prior agreement of all parties involved.

7. Malicious Complaints

The Council expects employees to raise complaints in good faith. Any complaint that is made without foundation or is not based on an honest belief could lead to disciplinary action being taken against the employee raising the complaint.

8. Whistleblowing

The Council's Whistleblowing Policy & Procedure covers employees who disclose concerns relating to malpractice or wrongdoings within the organisation.

9. Employee's Resignation

Access to Harrow Council's Grievance Procedure ceases on the employee's last day of service.

10. Complaints raised by or against workers of partner organisations

Managers should seek advice from HR before approaching the employee if a complaint is raised by, or against, an employee from a partner organisation.

11. Delegated Responsibilities

Where complaints are to be considered by Directors/Corporate Directors, they may appoint another officer, of an appropriate grade, to carry out an investigation and hear the complaint.

Appeals Hearings cannot be delegated to below MG4 level graded managers.

12. Access to data

Employees can request access to their information being held by their employer including grievance related information. Unless there is a legal obligation to do so, the Council will only disclose information about an employee where it concludes that in all the circumstances, it is fair to do so.

In the case of confidential information provided by witnesses to any investigating officer, the Council will only disclose confidential information if the individual has clearly agreed or despite the duty of confidence, the worker's interest or the wider public interest justifies disclosure.

13. Arranging Representation

It is the responsibility of the employee to arrange for their trade union representative or work colleague to be present at meetings and hearings.

An employee involved in this procedure must be given reasonable time to meet their trade union representative or work colleague.

14. Paperwork

At the formal stage, the employee will be given two copies of the relevant paperwork relating to their meeting/hearing which they can pass to their Trade Union representative or work colleague as they choose.

If the complaint progresses to appeal stage, the employee will be asked if they are happy for a copy of all paperwork to be sent direct to their Trade Union representative or work colleague.

15. Arrangements for meeting as part of this process

- Where an alternative date and time is requested to allow a representative or work colleague to attend, the Council will make reasonable efforts to accommodate this.
- Where a representative is unable to attend a meeting, either as part of an investigation, the Formal Meeting or Appeal Hearing, every effort should be made to re-arrange the meeting to a mutually convenient date and time, within the set timescales.
- If management have made every reasonable effort to meet with the employee, but a mutually agreed date and time cannot be reached because of unavailability of the employee or representative, the meeting/hearing may take place in absence of either or both.
- The reasons and likely duration for the representative not being able to attend a meeting/hearing should be considered and a minimum of one alternative date and time must have been offered before this action is considered. Managers are strongly advised to seek advice from HR before taking this action.

16. Grievance - seeking an informal resolution

16.1. Process

Where an employee raises an issue with their manager, every effort should be made to resolve their complaint as soon as possible, through day-to-day management and without recourse to the formal procedure.

Resolving issues as soon as possible avoids them escalating to the formal process. It is much harder to re-establish good working relationships when the issues escalate to the formal process as positions can become entrenched. Particularly in cases involving employees who work together, the sooner the issues are resolved the sooner the working relationship can begin to improve.

Whilst the aim would be to resolve issues informally, there may be circumstances where an issue raised as an informal complaint has to be addressed by a manager formally. This may result in other procedures being invoked e.g. where there are misconduct issues.

When a line manager becomes aware that a member of their staff has a potential complaint, they should organise a one-to-one meeting as soon as practically possible with the employee. The purpose of the meeting is to discuss the employee's concerns and to attempt to resolve the issues with minimum conflict.

The manager should be mindful that:

- the employee may be in an emotional state before coming to the meeting and should therefore endeavour to put them at their ease at an early stage
- the manager must approach the situation sensitively, when dealing with employee's concerns, particularly in harassment cases
- the employee should be given the time to fully explain their cause for complaint
- employee's concerns should be carefully listened to in order to ascertain the actual cause for complaint. It may be necessary to gently probe and try to identify the real issue
- it is essential to obtain all the relevant facts
- the manager should try to avoid making any assumptions. Where these are made, the manager will need to check these out.

In some circumstances the employee may wish to bring along their trade union representative to the informal meeting. The manager does not have to agree to this but in the spirit of early resolution to issues the presence of a trade representative or work colleague may assist in establishing the actual complaint and how it might be resolved. In this situation it should be made very clear that the meeting is informal.

If appropriate, the manager should encourage the employee to personally approach the person causing the offence, on their own, to discuss the perceived behaviour that is

causing offence. The purpose is to make them aware that they object to the behaviour and ask them to stop.

It may be that the employee being complained about is unaware that their behaviour has caused offence to the employee. It may be that on being made aware of the issue, the employee complained about changes their behaviour, etc and/or in some cases a simple apology may be enough to resolve the issues. The Manager should assist the employees involved to resolve the issues which gave rise to the complaint.

If the employee feels unable to approach the person causing offence, where it is appropriate, the manager may encourage them to consider writing a letter/email to the person making it clear what it is they object to in their behaviour. The employee should be advised to keep copies of the letter/email and any reply received.

The manager may undertake some preliminary enquiries e.g. whether the complaint is against an employees from their own or another department/organisation; whether the complaint is related to a council procedure or process; whether more than one employee may be affected by the resolution sought; whether they have the authority to grant the resolution sought, etc.

If applicable, the manager may consider seeking a confidential interview with other parties referred to, having first discussed this with the employee. The employee may object to other individuals being spoken to at this stage, however, in some circumstances it may be necessary and the manager should advise the employee of this.

The manager and employee should observe confidentiality and sensitivity towards the employees concerned and the content of the discussions taken place.

The manager should discuss the support mechanisms available to the employee making the complaint, i.e. Occupational Health, the Council's Employee Assistance Programme, and Trade Unions etc.

The manager should confirm the outcome of their informal discussion, in writing, to the employee. No formal record should be kept on the personal file, however, the employee should be advised that an audit trail of the discussion might be necessary in order for the discussion to be cited if in the event the complaint escalated into the formal procedure.

17. Grievance - raising a formal complaint

Failing informal resolution, the employee should complete the Grievance Record form, detailing the complaint and the outcome sought, and submit this to their manager, together with any supporting documentation.

Where the complaint relates to the behaviour of another employee, the manager will inform that person of the details of the complaint against them and offer them the opportunity to respond, in writing, ideally prior to the Formal Meeting.

Employees are expected to make every effort to attend meetings in relation to their complaint and seek TU/work colleague in a timely manner in order to avoid delays.

Grievance Record forms relating to the manager, should be forwarded to the next senior manager who will then consider who should deal with the complaint.

Employees should be advised of the support mechanisms available to them eg the Council's Employee Assistance Programme, Trade Unions.

18. Handling a grievance meeting

18.1. Discrimination/Harassment

In cases where complaints relate to discrimination or harassment, the manager may be advised at the Grievance Meeting by another manager or HR Adviser of the same social identity group which relates to the basis of the complaint e.g. a female manager in a sex discrimination complaint.

18.2. Attendees

The employee may be accompanied at the meeting by their trade union representative or work colleague.

Where appropriate the Investigating Officer and/or note taker may also attend.

The manager and panel members should not have been directly or indirectly involved in the case, that is, they should not have been a witness to the issues being considered. In exceptional circumstances the manager/panel members may also be appointed from another service area or directorate if requested by the employee/trade union.

19. Adjustments to Working Arrangements

The manager should consider whether any temporary adjustments to the working arrangements of the parties involved would be appropriate. Any adjustments should be discussed with the relevant parties.

The manager should liaise with other relevant managers if appropriate on the complaint received and any appropriate adjustments to be made.

20. Employees complained about

If the complaint relates to the behaviour of another employee, the manager will formally write to them to notify them of the complaint against them, with details, and offer them the opportunity to provide a written response, ideally prior to the formal meeting and to be returned to the manager.

If an investigation is commissioned, the person should be dealt with fairly, reasonably and impartially at all times and interviewed regarding the complaint and accompanied by their

TU representative/work colleague. The aim of the interview is to ascertain the facts, views and perceptions of the person complained about in relation to the complaint which has been raised.

The person complained about should also be advised that if the complaint is considered under the Disciplinary Procedure, notes of interviews taken will be forwarded to the Investigating Officer of the Disciplinary Procedure and may be used as part of that procedure.

21. Arrangements made for the Formal Meeting

The Formal Meeting must be held within 15 days of the formal complaint being raised. In circumstances where it is not reasonably practicable to adhere to the timescales set, it may be extended. However, extensions to timescales must be reasonably agreed by both parties and confirmed in writing stating the reasons for the extension and of the expected new timescales.

It is the responsibility of the manager conducting the Formal Meeting to make arrangements for the Formal Meeting to take place, notifying all parties and taking into account any special requirements requested e.g. access.

A minimum of 5 days in advance of the meeting, the manager should notify the Employee, in writing, of the date, time and venue for the Formal Meeting, including any paperwork relevant to their complaint. The employee should be sent 2 copies (unless agreed otherwise) so that they can provide a copy to their trade union representative or work colleague if they wish.

If the employee is not currently at work e.g. as a result of sickness or annual leave, any letters/paperwork should be sent to the employee's home address.

The manager conducting the Formal Meeting should ensure that sufficient notes are taken of the meeting.

21.1. Representation

The employee must be informed, in writing, that they may be represented at the Formal Meeting by their Trade Union representative or a work colleague. The trade union representative/work colleague can present their case but cannot answer questions for them.

If the employee chooses not to be accompanied by a work colleague or trade union representative, this needs to be recorded along with the employee's agreement for the Formal Meeting to go ahead.

It is the employee's responsibility to inform their trade union representative/work colleague on the details of the meeting.

21.2. Format of the Formal Meeting

- Manager conducting the meeting makes the introductions (names/roles in the process).
- Manager conducting the meeting advises the employee of their right to be accompanied. If the complainant chooses not to be accompanied by a trade union representative or work colleague, this should be recorded and that the complainant agrees for the Formal Meeting to go ahead.
- Manager conducting the meeting asks all present to confirm receipt of any documentation sent out relevant to the complaint.
- Manager conducting the meeting hears the complainant's case presentation by them and/or their trade union representative or work colleague. This should include the details of the complaint, the outcome(s) sought and any response to the written response received from the person complained about.
- Manager conducting the meeting asks questions to clarify any points.
- Manager conducting the meeting adjourns the Formal Meeting to consider the complaint presented to decide:
 - (i) whether sufficient information has been provided
 - (ii) on an appropriate course of action to resolve the complaint and/or consider whether mediation would be appropriate

The manager conducting the meeting reconvenes the Formal Meeting to either

- (i) discuss with the complainant the outcome of the Formal Meeting in relation to their complaint, or
- (ii) inform the employee that they are unable to determine an outcome due to insufficient information being available and further investigation is required.

21.3. Decision

The manager adjourns Grievance Meeting to consider the complaint presented to decide:

1. whether sufficient information has been provided to enable them to make a decision or whether an investigation is required;
2. on an appropriate course of action to resolve the complaint and/or consider whether mediation would be appropriate.

The manager conducting the meeting reconvenes the Formal Meeting to either

3. discuss with the employee the outcome of the Formal Meeting in relation to their complaint or
4. inform the employee that they are unable to determine an outcome due to insufficient information being available and further investigation is required.

21.3.1. Insufficient Information available

If the manager decides that insufficient information has been provided in order to determine an outcome they may carry out an investigation themselves or commission an Investigating Officer to carry out the investigation.

21.3.2. Further Investigation Required

If further information is required, the manager conducting the meeting should confirm to the employee, in writing, of the time-scale for the meeting to be reconvened. The manager should keep the employee informed of progress prior to the reconvened meeting. Every effort must be made to carry out the investigation within 15 days of the adjourned Formal Meeting.

Managers will also seek agreement from employees and trade unions whether additional time is necessary to complete the investigation. Managers must aim to ensure timescales are adhered to. If extra time is required the manager should keep the employee and their trade union representative informed.

The employee should be given a minimum of 5 days notice of the reconvened Formal Meeting where the manager will discuss with the employee the outcome of the Formal Meeting in relation to their complaint.

21.3.3. Issues for consideration at deliberations stage

In deciding on what action, if any, to be taken, the manager conducting the meeting should be satisfied that:

- (i) there were no procedural irregularities which may have prejudiced the outcome;
- (ii) only relevant evidence, facts or factors were taken into account and relied upon in determining the outcome;
- (iii) no irrelevant evidence, facts or factors were taken into account or relied upon in determining the outcome;
- (iv) the complaint(s) raised was adequately investigated or sufficiently substantiated;
- (v) all the evidence, facts, mitigating circumstances presented were taken into account;
- (vi) the employee's commitment to move forward has been heard.

The manager should consider whether the outcome being considered is appropriate bearing in mind the complaint raised, the impact of the proposed solution on employees, possible implications across the Council and impact on relevant managers (i.e. managers of other employees involved in the case).

In determining the outcome of any complaint, managers should be aware that their decisions should be transparent and that, if challenged, they should be able to provide a sound rationale/explanation for their decision.

21.4. Notifying other parties

Following the conclusion of each meeting / hearing, the manager conducting the meeting/hearing should meet with the employee complained about to advise them of the outcome of the complaint. The meeting should provide sufficient details of the key findings of the investigation that relate directly to them as well as sufficient details of the final outcome and any recommendations from the Formal Meeting/Appeal Hearing that relate directly to them. The outcome of meeting should be confirmed in writing.

21.5. Unwillingness to engage in improving relationships

If, following the conclusion of the complaint (i.e. through mediation, etc), the employee complained about is not willing to cooperate with attempts to build better working relationships, the manager should remind them of their responsibilities under the Code of Conduct. Failure to follow the Code of Conduct in relation to establishing and maintaining good relationships with colleagues could be considered a breach of the Code of Conduct and as such could result in disciplinary action.

22. Grievance - appointing an Investigating Officer

The manager hearing the Grievance will commission an Investigating Officer (IO) to investigate the complaint(s), if appropriate.

The IO should be of a supervisory level, able to understand the nature of the complaint e.g. discrimination cases.

The IO should not be directly or indirectly involved in the case.

Where complaints relate to discrimination or harassment, every effort should be made for the investigating officer to be of the same social identity group which relates to the basis of the complaint e.g. a female investigating officer in a sex discrimination complaint.

The Investigating Officer should gather all relevant information in relation to the complaint raised. The Investigating Officer should establish whether there are any identifiable witnesses and interview these individuals. Information gathering should include information compiled from interviews, review of documentation e.g. written response to the complaint from the employee complained about, emails, timesheets, performance appraisal, internet activity and any other relevant source.

If during the course of the investigation, other concerns come to light, these should be referred to the commissioning Manager who will decide if these should also be investigated. If the commissioning Manager makes the decision that these should also be investigated, the commissioning Manager will write to the employee informing them of this.

22.1. The Investigation

Evidence should be gathered and witness statements taken promptly, before memories fade. The IO should identify the parties involved, including customers/clients/members of the public.

Employees must make all reasonable attempts to attend meetings during the investigation.

The information gathered should include relevant documentation, etc.

If other concerns come to light, during the course of the investigation, the IO should seek clarification from the commissioning manager on whether these should also be investigated. If agreed, the commissioning manager writes to the employee informing them of this.

Ideally, an investigation should be carried out within 15 days from the date of the Formal Meeting.

However, where there are complex issues to investigate, large numbers of interviews to conduct, annual leave commitments or the sickness absence of someone involved in the complaint, it may not be possible to comply with the timescales set and they may need to be extended.

Where an extension to timescales is required, there will be reasonable agreement, by all parties, to extend the timescales. The manager involved must write to the employee before the deadline, stating the reasons for the delay and informing the employee of the expected new timescales.

22.2. Interviewing

The IO will write to relevant individuals advising them that they are required to attend an interview as part of a formal complaint being raised and asking if they have any special requirements eg access needs. Individuals should be given a minimum of 3 days notice of the interview date/time and given the opportunity of being accompanied by their trade union representative or a work colleague (work colleague should not be one cited as a witness).

During interviews, individuals should be:

- put at ease;
- provided with sufficient details of any complaints made against them/nature of their attendance e.g. a witness;
- given the opportunity of telling their version of events;
- dealt with fairly, reasonably and impartially at all times;
- advised of any support mechanisms available to them ;
- advised that they should not discuss the matter with other employees
- advised of the next stage;
- advised that their interview notes may be seen by other employees e.g. the employee who raised the complaint.

The IO should check with unaccompanied interviewees that they are happy to continue without a trade union representative or a work colleague and note this fact.

Consideration should be given to re-arranging interviews where the interviewee has been unable to arrange trade union representation, or a work colleague.

At the interview, the IO should seek to establish:

- The date and time of any incident(s);
- The person who caused the offence, if applicable;
- If any witnesses were present and who they were;
- If there is any related paperwork i.e. emails or information i.e. absence sheets;
- What happened, if applicable;
- Why the action/behaviour(s) are considered to be offensive;
- How the action/behaviour(s) made the employee feel;
- Whether the action/behaviour(s) have happened before;
- What action the employee took at the time of the incident(s);
- Whether informal resolution was sought and what the outcome was.

22.3. Note taking at Interviews

- The IO should consider whether they require a note taker.
- Interview notes do not need to be verbatim however they should cover the key points of each interview.
- All interviewees should receive a copy of the notes of their interview and asked to sign, date and return them to the IO by a specified date.
- The interviewee may amend the notes and sign the amended copy before returning them to the Investigating Officer, to be kept with the original version produced by the IO.
- Employees who refuse or fail to return their signed notes should be advised that the unsigned notes will be used as part of the investigation if they do not to return them, signed, by a specified date. A reference to the unsigned statement(s) must be made in the report.

22.4. Concluding the Investigation

The IO should consider the following:

- Given the circumstances, has the investigation been reasonably thorough so as to enable a balanced view of all the facts to be formed?
- Separate hearsay evidence from direct evidence. This will help to determine the strength and quality of the evidence collected.
- In situations where it is one person's word against another, explore the reliability of both parties. Consider issues such as motive, how either party has conducted themselves in the past etc.
- The presence of only one witness or no witness must not be taken as a lack of evidence in the investigation.
- In investigations considering harassment, to conclude that harassment has taken place, the Investigating Officer should be satisfied that on the balance of probabilities the employee has been subjected to harassment.

The report (see suggested format) should outline the findings and conclusion of the investigation, and forwarded to the commissioning manager.

The following is a recommended layout for the report:

<u>Grievance Investigation Report</u> : [Employee Name / Department]
Date:
Introduction Why the investigation is taking place: Name of Commissioning Manager:
The complaint Describe the complaint
Summary of complaint Key details of what/when/where/how
Findings Drawing out the main points
Conclusion Key facts and summary of the investigation

Signed and Dated

By the Investigating Officer

23. Grievance - appeal hearings

An employee has a right of appeal. An appeal is not a re-hearing of the case.

The purpose of the appeal is to provide the employee with a further opportunity to have their complaint addressed. The appeal will allow new information and, where appropriate, the calling of witnesses.

23.1. Employee registers their appeal

- Employees have a right to appeal against the outcome determined made at the Formal Meeting.
- Appeals must be submitted by the employee or their representative, in writing, to the Manager who conducted the Formal Meeting within 10 days of receipt of the letter confirming the outcome of the Formal Meeting.

The employee should use the 'Appeal Record Form' to supply specific details of their grounds for appeal (case statement), confirm the outcome they are seeking and attach any relevant information/evidence in support of their appeal. No further paperwork can be submitted prior to, or at, the Appeal Hearing.

23.2. Attendees at the Appeal Hearing

- Wherever possible, appeals will be heard by the employee's Corporate Director, who should not have been involved in the case previously. Where this is not appropriate, Democratic Services have a rota for different Corporate Directors to hear appeals.
- HR will attend the hearing to advise the manager.
- The manager who determined the outcome at the Formal Meeting will attend to explain how they have tried to resolve the complaint.
- Where the complaint relates to discrimination or harassment, every effort should be made for the Corporate Director and the HR attendee to be representative of the social identity group of the employee.
- The employee may be accompanied or represented by their trade union representative or work colleague
- A note-taker, relevant witnesses and observers (as agreed by the Corporate Director in consultation with the employee) may also attend.

23.3. Arrangements for the Hearing

The arrangements for the co-ordination of Appeal Hearings will be made by the manager who conducted the Formal Meeting (or Democratic Services if appropriate).

- Receipt of the employee's appeal notification should be acknowledged, in writing, within 5 days of receipt.

- Whenever possible, the appeal should be heard within 20 days of the receipt of the employee's written notification of appeal.
- It is the responsibility of the manager who conducted the Formal Meeting (Democratic Services if appropriate) to organise who should be present at the Appeal Hearing, make arrangements for the Appeal Hearing to take place taking into account any special requirements requested such as access needs and to write all relevant letters in connection to the Appeal Hearing taking place.
- As soon as it is available (within 10 days of employee's receipt of the letter confirming the outcome of the Formal Meeting), the manager who conducted the Formal Meeting should receive the employee's case statement to enable them to produce a management case statement in response. The management case statement should be forwarded to the Corporate Director or Democratic Services, within 10 days of receipt of the employee's case statement.
- The manager who conducted the Formal Meeting (or Democratic Services) will notify the employee of the date, time and venue of the Appeal Hearing, in writing, a minimum of 5 days prior to the Hearing and ensure that the employee receives 2 copies of all relevant paperwork from the Formal Meeting and the manager's case statement (unless they have indicated on the Appeal Record Form that paperwork can be sent direct to their Trade Union Representative or Work Colleague). .

The employee should be sent 2 copies (unless agreed otherwise) of any paperwork - the employee can then give a copy of the paperwork to their trade union representative or work colleague if they wish.

- The Corporate Director conducting the Appeal Hearing should ensure that notes are taken of the hearing – this task may be undertaken by Democratic Services if involved.
- Employees will need to inform Democratic Services/the manager who conducted the Formal Meeting if they require any witnesses to attend the Appeal Hearing when forwarding their Appeal Form (case statement).

23.4. Format of the Appeal Hearing

- Corporate Director makes the introductions (names/roles in the process).
- Corporate Director advises the employee of their right to be accompanied. If the employee chooses not to be accompanied by a trade union representative or work colleague, this should be recorded together with the employee's agreement for the Appeal Hearing to go ahead.
- Corporate Director asks all present to confirm receipt of any documentation sent out relevant to the Appeal Hearing.
- The employee (and/or their trade union representative or work colleague) presents their case. This should include the details of why they remain dissatisfied with the outcome of their Formal Meeting and the outcome(s) sought, including witnesses as appropriate.

- Corporate Director asks questions to clarify any points.
- The manager who determined the outcome of the Formal Meeting asks any questions.
- Corporate Director hears the case presentation put forward by the manager who determined the outcome of the Formal Meeting.
- Corporate Director asks any questions to clarify any points.
- The employee (and/or their Trade Union representative or work colleague) ask any questions.
- Both parties are given the opportunity to cross question.
- The Manager who determined the outcome of the Formal Meeting summarises their case for arriving at the outcome.
- The employee or his/her TU representative/work colleague summarises his/her case.
- Corporate Director adjourns the Appeal Hearing to consider the cases presented to decide whether or not to change the outcome of the Formal Meeting.

In deciding whether or not to change the outcome determined at the Formal Meeting, the manager should be satisfied that:

- there were no procedural irregularities which may have prejudiced the outcome:
- the relevant evidence, facts or factors were taken into account and relied upon in determining the outcome;
- no irrelevant evidence, facts or factors were taken into account or relied upon in determining the outcome
- the complaint(s) raised was adequately investigated or sufficiently substantiated
- all the evidence, facts and mitigating circumstances that were presented were taken into account
- the employee's commitment to move forward was heard.

Corporate Director reconvenes the hearing to inform the employee of the outcome of their Appeal Hearing and advise them that there is no further right of appeal through Harrow's internal procedures.

23.5. Confirming the Outcome of the Appeal Hearing

The Corporate Director should write to the employee within 5 days of the meeting to confirm the outcome of their appeal ensuring the letter provides reasonable justification to support the outcomes of the Appeal Hearing.

The letter should confirm there is no further right of appeal through Harrow's internal procedures.

23.6. Notifying other parties

Following the conclusion of the Appeal Hearing, the Corporate Director should meet with the employee complained about to advise them of sufficient details of the outcome of the appeal and any recommendations that relate directly to them.

The Corporate Director should notify any relevant managers of the outcome of the complaint and any recommendations.

24. Grievance - Mediation

Mediation may be appropriate to rebuild a professional working relationship between Employees.

Mediation can be recommended at any time during the informal or formal stages of any procedure.

Mediation is a confidential process which is voluntary and requires agreement from all parties.

The aim of mediation is for the parties concerned to speak to each other in an open and honest manner to try and reach an acceptable resolution to all parties on the complaint raised.

The mediator will be a neutral third party who does not tell the parties what to do but uses techniques to facilitate a conversation between the parties in a safe and constructive environment with the aim of finding a way forward.

HR can provide further advice on the appropriateness of the use of mediation and advise on how to organise.

25. Grievance - Harassment

When addressing grievances relating to harassment in particular, consideration should be given to:

25.1. Potential misconduct issue

If the information gathered, when seeking a resolution to the complaint, is sufficient to reach a balanced judgement that harassment has taken place, the manager should seek advice from their manager/HR before initiating the disciplinary procedure. If the matter becomes a disciplinary issue, then an investigation report from the grievance case can be used as part of the Disciplinary Procedure.

25.2. Views of the parties to the complaint

It may be considered appropriate to continue to deal with the harassment through the Grievance Procedure and consider measures such as mediation / guidance to resolve the complaint, particularly where either party has indicated their intention and willingness to resolve the complaint by mediation.

25.3. Refusal to cooperate in trying to resolve the complaint.

Where it is considered an employee is not willing to cooperate in helping to rebuild the working relationship, the employee should be reminded of their responsibilities under the Code of Conduct whereby they should maintain good relationships with colleagues.

25.4. Multiple incidents complained of

If the employee refers to a series of incidents resulting in the most recent incident, then it may be more appropriate to cease the process under the Grievance Procedure and progress the issue complained about under the Council's Disciplinary Procedure. The manager should seek advice from their manager/HR prior to initiating.

25.5. Harassment not found

If the manager does not find that harassment has taken place, a recommendation should be made to the relevant line managers to review the situation between the relevant employees over a period of time to check that effective working relationships are being met.