



Staff Grievance Policy

Date Written: October 2025

Date ratified:

Date of Next Review:

Grievance Policy and Procedure

Contents

Scope	2
Purpose	2
What is a Grievance?.....	2
Counter Complaints	3
Informal Procedure	3
Formal Procedure	4
Formal Grievance Meeting	5
Right of Appeal.....	6
Re-establishing Working Relationships	7
Collective Grievance Procedure	7
Confidentiality	8
Behaviour of a Third Party	8
Appendix A - Definitions of Bullying and Harassment	10

Scope

This policy applies to all employees of Oakfield Short Stay School. An agency worker who wishes to raise a complaint should do so via their agency.

Grievances from ex-employees may be considered at the School's discretion. In order to support the early resolution of issues, grievances must be raised within 3 months of the employee becoming aware of the issue. There will be no automatic right to a meeting in respect of such a grievance and any response that may be provided will be in writing only. This will also apply in situations where an employee's grievance was raised prior to them leaving the school's employment but where it has not been possible to resolve the issue before their termination date.

Purpose

The purpose of the Grievance Policy and Procedure is to provide a framework to assist employees to raise individual or collective complaints and to have those complaints resolved quickly, fairly and, where appropriate, as informally as possible.

Oakfield Short Stay School is committed to creating and maintaining a working environment where people are treated fairly and with courtesy, consideration, and respect. Employees, and others working on the Council's behalf, are therefore required to conduct themselves in accordance with Oakfield's Code of Conduct.

[Back to Contents](#)

What is a Grievance?

A grievance is a concern, problem, or complaint that an employee raises with their employer in relation to their work, working conditions and/or relationships with colleagues. Issues that may cause grievances include:

- Terms and conditions of employment;
- Health and safety;
- Working environment;
- Bullying and harassment (see [Appendix A](#) for examples);
- Sexual harassment;
- New working practices;
- Discrimination.

Grievances may be raised in relation to third parties (e.g. contractors, agency workers, customers, and partner organisations) and should be dealt with in the same way as any other complaint. Please refer to the [Behaviour of a Third Party](#) section for further information.

This policy should not be used to raise grievances regarding:

- Statutory and voluntary deductions from pay (e.g. income tax, pension contributions, national insurance). Enquiries on these matters should be directed to the [Employee Service Centre](#);
- Matters specifically covered by a separate procedure (e.g. disciplinary, whistleblowing, organisational change) or where another procedure which includes an appeal process has already been followed;
- Matters that should fall under the [Dispute Policy and Procedure](#) such as misapplication of Council policies and procedures, serious issues that could result in industrial action or breakdown/deadlock in negotiations with the trade unions.

Counter Complaints

Where a grievance is raised regarding a management decision (e.g. to instigate a process), the implementation or continuation of that decision will not be delayed as a result of the grievance procedure being invoked. If a grievance is solely or largely related to the commencement or application of an HR procedure to address an employee's performance, attendance or conduct, the manager's manager will meet with the complainant to discuss their concerns. The complaint will only be progressed under this policy if evidence is provided which suggests that the manager has acted inappropriately, or the concerns raised are not a consequence of the instigation of the HR procedure. Complaints that relate to disciplinary or performance management proceedings should be raised as part of those proceedings and/or any related appeal process.

[Back to Contents](#)

Informal Procedure

An employee with one or more grievances should raise the matter with their manager in the first instance, and they may raise multiple grievances at the same time. If a grievance relates to their manager, the employee should raise the issue with the next level of management.

In order to support the early resolution of issues, grievances must be raised within 3 months of the employee becoming aware of the issue. Any grievances raised outside of this timeframe will only be considered if there are justified reasons as to why it was not raised earlier. Advice must be sought from the Corporate HR Team (email: corporatehradviceinbox@leics.gov.uk or telephone: 0116 3051078) before refusing to consider a grievance.

The manager dealing with the grievance (the 'decision-making manager') should meet with the complainant as soon as possible to discuss the matter and seek a resolution. A written summary of the discussion's key points and any agreed actions should be provided to the employee. Decision-making managers are responsible for gathering sufficient information to consider the complaint. Where it becomes apparent that a formal investigation is required, the decision-making manager may undertake the investigation or appoint an appropriate Investigating Officer and the employee should be advised accordingly.

Where a grievance relates to another employee, it is recommended that the two parties meet to discuss the matter and agree a way forward. Depending on the nature of the complaint, it may be beneficial for a third party to be involved to help facilitate the meeting and reach a solution. If the matter involves employees from two different teams, consideration should be given as to which manager will facilitate this meeting or whether it would be more appropriate to involve a trained mediator from People Services. Advice on how best to facilitate this meeting is available from the Corporate HR Team (email: corporatehradviceinbox@leics.gov.uk or telephone: 0116 3051078). Employees may be accompanied at this meeting by a work colleague or trade union representative. Any agreed outcomes should be recorded and shared with the relevant parties.

All parties must make every effort to try and resolve matters informally. Only in exceptional circumstances will a grievance be dealt with formally without the informal stage having been completed. The school reserves the right, under its duty of care responsibilities, to investigate complaints under the formal grievance procedure, irrespective of whether the complainant is in agreement with this approach.

All parties will accept that normal working practices will continue to operate pending resolution of the grievance, except where to continue the existing practice would constitute a hazard, or where statutory obligations apply.

Managers should make every effort to deal with grievances as quickly as possible as any delay in resolving a complaint can make the situation worse.

Additional information regarding dealing with grievances that apply to more than one employee (i.e. [collective grievances](#)) or those that relate to the [behaviour by a third party](#) is available later in this policy.

[Back to Contents](#)

Formal Procedure

If an informal approach does not resolve the issue or the complaint is too serious to be dealt with informally, the employee must submit the grievance in writing to the next level of

management. A [formal grievance form](#) is available for this purpose. An employee may raise multiple grievances at the same time, and where this occurs all of the employee's grievances must be addressed appropriately in accordance with this policy.

The complaint should set out, in detail, the nature of the grievance, the names of any witnesses, what action has already been taken to attempt to resolve the issue, and how the employee feels the issue could be resolved. Any supporting evidence should be provided with the complaint. Employees should note that where the complaint relates to another employee, a copy of the formal grievance form (excluding any witness details) will be provided to the individual concerned at the start of the investigation process.

On receipt of a grievance, the decision-making manager should:

- Determine whether the grievance applies to more than one person. If so, refer to the [Collective Grievance Procedure](#) for further information;
- Determine whether the grievance relates to unacceptable behaviour by a third party. If so, refer to the [Behaviour of a Third Party](#) section for further information;
- Review what action has already been taken to try and resolve the situation. If no attempt has been made to resolve the matter informally, but it is considered that this approach would be appropriate, the employee should be advised that their complaint will not be progressed under the formal procedure until informal action has been attempted;
- Acknowledge receipt of the complaint within 10 working days and invite the employee to attend a formal grievance meeting as soon as possible. A template letter is available by clicking [here](#). In situations where it is clear from the details of the grievance that an investigation is required, and it would be appropriate for the investigation to have been conducted before the formal grievance meeting takes place, the decision-making manager should initially contact the employee to agree this. Advice on whether an investigation is required is available from the Corporate HR Team (telephone: 0116 3051078 or email: corporatehradviceinbox@leics.gov.uk).

All parties will accept that normal working practices will continue to operate pending resolution of the grievance, except where to continue the existing practice would constitute a hazard, or where statutory obligations apply.

Formal Grievance Meeting

The purpose of this meeting is to provide the employee with the opportunity to discuss the details of their complaint and for the decision-making manager to seek to resolve the matter. The employee has the right to be accompanied by a work colleague or trade union representative. The decision-making manager will be supported at the meeting by an HR representative. Where applicable, the manager who considered the complaint at the informal stage may also be asked to attend.

Where the decision-making manager feels that an investigation, or further investigation, is required before they can reach a decision on the grievance, the employee will be advised accordingly. The decision-making manager may undertake the investigation or appoint an

appropriate Investigating Officer. The investigation should be conducted as quickly as possible, with the actual timescale being dependent upon the complexity of the issue. In these circumstances, the formal grievance meeting will be adjourned and reconvened when the investigation has been completed.

If, at any point, the decision-making manager believes a further attempt at trying to resolve the matter informally is appropriate, a meeting will be arranged with the complainant to discuss this further.

The decision-making manager may decide to either uphold or reject the grievance. They may also wish to make recommendations on other implications arising from the complaint (e.g. training, review of relevant policies and/or procedures, mediation, withdrawal of services to the individual, termination of agency worker, etc.). Where a grievance is upheld, depending on the nature of the complaint it may be necessary to refer the matter to a formal disciplinary hearing (see Stage 3 of the [Disciplinary Policy](#) for further information).

Once the decision-making manager has made a decision regarding the grievance, they should convene/reconvene the formal grievance meeting and advise the employee of the outcome. A letter confirming the outcome of the formal grievance meeting should be sent to the complainant as soon as possible. A template letter is available by clicking [here](#). A copy of the investigation report should not be provided unless, following advice from [Corporate HR](#), an exceptional reason to provide this has been identified. The decision-making manager should also forward a copy of the outcome letter to the Employee Service Centre for retention on the employee's personal file.

Where the grievance relates to another employee, the decision-making manager should arrange to meet with the other party as soon as possible to advise them of the outcome of the grievance. The contents of this discussion should then be confirmed in writing. A template letter is available by clicking [here](#). It is important that the individual is made aware that the complainant has the right to appeal the grievance outcome and if upheld this may result in further action being necessary. The decision-making manager should forward a copy of the outcome letter to the Employee Service Centre for retention on the employee's personal file.

Right of Appeal

The complainant has the right to appeal if they believe that their grievance has not been investigated thoroughly or concluded adequately and as a result the original complaint has not been responded to properly. An [appeal registration form](#) must be submitted to the decision-making manager who considered their formal complaint within 5 working days of receiving the outcome letter. When completing the registration form the employee must specify the grounds for their appeal and attach any supporting evidence.

The appeal hearing should be convened as soon as possible and will be considered by an independent manager from another service area with an appropriate level of seniority. They will be accompanied by an HR representative. Panel members will have had no prior involvement in any previous investigation relating to the case or in influencing the original decision-making process.

The appeal will consider the points detailed in the appeal registration form and whether the original conclusion reached was appropriate. New evidence will only be considered if it is

relevant and there was a good reason why it was not provided as part of the formal grievance process.

The decision-making manager who considered the formal grievance will be asked to explain their reason(s) for reaching their original decision. If necessary, the Investigating Officer may also be asked to attend as a witness. The employee may be accompanied by a work colleague or trade union representative.

The outcome of the appeal will be confirmed in writing as soon as possible. A template letter is available by clicking [here](#). There will be no further right of appeal.

Other parties named by the complainant in their grievance do not have the right to appeal the outcome of the formal grievance. Where the outcome of the formal grievance has been referred to a disciplinary hearing and a disciplinary sanction imposed, the employee concerned has the right to appeal against the sanction awarded to them as set out in the [Disciplinary Policy and Procedure](#).

Re-establishing Working Relationships

Depending on the nature of the complaint, it may be necessary, at the end of the formal grievance process, for a joint meeting to be held to discuss what support or action is required to assist the relevant parties to re-establish their working relationship. This is particularly important where the complaint relates to bullying and harassment. A third party (e.g. a manager, HR representative) should be involved in this meeting to help facilitate a solution. Advice on how best to facilitate this meeting is available from trained mediators within Corporate HR.

In exceptional circumstances, due to difficulties in the relationship between the complainant and the other party, holding the above meeting would not be beneficial. In these situations, advice must be sought from the Corporate HR Team (email: corporatehradviceinbox@leics.gov.uk or telephone: 0116 3051078) on potential next steps.

[Back to Contents](#)

Collective Grievance Procedure

Where a grievance is held by more than one employee, the above procedure should be followed taking into account the following additional points:

- The procedure is designed so that the stages of an individual grievance are the same as those for a collective grievance. This ensures that should an individual's grievance become a collective grievance, it will not be necessary to revert to the beginning of the procedure;
- Where the grievance involves a number of employees, a nominated spokesperson of the group and/or trade union representative(s) will present the case on behalf of their colleagues. Information on the number of employees involved in the collective grievance and the areas involved should be provided to the manager;

- Where the grievance remains unresolved from the formal stage of this procedure, the issues may be raised by the trade union(s) in accordance with the [Dispute Policy and Procedure](#);
- This procedure for a collective grievance is based on acceptance that, industrial action will be used as a last resort and after all steps in this procedure have been exhausted;
- Both parties will accept that normal working practices prevailing prior to the grievance shall continue to operate pending settlement, the “status quo”, and both parties will co-operate to ensure that the spirit of this clause is maintained, except where to continue the existing practice would constitute a hazard, or where statutory obligations apply.

[Back to Contents](#)

Confidentiality

Where necessary, complaints will be dealt with sensitively and confidentiality will be maintained where possible. However, there may be circumstances in which this will not be possible.

The details of an investigation and the names of the person making the complaint and others involved must only be disclosed on a “need to know” basis. Breach of confidentiality in this respect may give rise to disciplinary action under the Council’s [Disciplinary Policy](#).

Employees should note that information relating to a complaint by or about an employee may be placed on the employee’s personal file where the complaint is founded or where it is found that the complaint has been raised maliciously. A record of the outcome and of any notes or other documents compiled during the process may also be retained on the employee’s personal file.

[Back to Contents](#)

Behaviour of a Third Party

The School’s ability to respond to a grievance involving unacceptable behaviour by a third party (e.g. customers, suppliers, contractors, agency staff, members of the public, etc.) towards a Council employee may be restricted by the lack of applicable sanctions or by statutory duties to provide services. Within these restrictions, however, the following guidelines must be observed where a grievance relates to the behaviour of a third party:

- Where possible, the alleged perpetrator should be interviewed as part of the investigation process;
- Any employee who has been subjected to unacceptable behaviour must be dealt with sympathetically and supportively by management, and should be offered suitable counselling;

- Where the complainant is likely to remain in contact/close proximity with the alleged perpetrator it may be appropriate to make a request to the contractor / agency / supplier for the alleged perpetrator to be temporarily removed from the workplace if possible / appropriate;
- Only where the employee has requested a transfer or has asked not to deal with the third party again, and the Council provides a statutory service to the user, should substitution of staff be considered. Not every case can be covered by such advice and managers must use their discretion in appropriate circumstances. Further advice can be obtained from the Corporate HR Team (email: corporatehradviceinbox@leics.gov.uk or telephone: 0116 3051078);
- Managers should deal explicitly with perpetrators with a view to withdrawing their services if appropriate.

[Back to Contents](#)

Appendix A - Definitions of Bullying and Harassment

Bullying and harassment is not necessarily face-to-face, it may occur through written communications, visual images (e.g. pictures of a sexual nature or embarrassing photographs of colleagues), email, or by telephone. The behaviour can be persistent or an isolated incident and conduct that has been considered acceptable in the past can become unwanted or unwelcome.

Bullying

Bullying is characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

Harassment

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Employees can complain about behaviour they find offensive, even if it is not directed towards them. They do not need to possess the relevant protected characteristic themselves and can complain about behaviour they find offensive because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. It is the impact of the behaviour on the recipient which is important and, if the recipient feels that they have been subjected to bullying or harassment, the complaint must be taken seriously and, where appropriate, investigated.

The following list provides some possible examples of bullying and harassment:

- Deliberately undermining a competent worker by overloading them, setting unrealistic deadlines, or providing constant criticism;
- Spreading malicious rumours or insulting someone by word or behaviour;
- Overbearing supervision or other misuse of power or position;
- Exclusion or victimisation;
- Demeaning or ridiculing someone;
- Using derogatory or inappropriate language;
- Deliberately using incorrect pronouns (e.g. he/she/they) to humiliate someone (an example of transphobic bullying and harassment);
- Making intrusive or inappropriate comments about an individual's personal circumstances;
- Spreading rumours or gossip speculating about someone's sexual orientation or outing them (an example of homophobic or bi-phobic bullying and harassment);
- The display or circulation of offensive materials;
- Threatening behaviour;
- Practical jokes (e.g. hiding a disability aid);
- Preventing individuals progressing by intentionally blocking promotion or training opportunities;

- Marginalising someone (i.e. treating them as if they are not important);
- Treating someone differently for returning on part-time hours following maternity or adoption leave.

Sexual Harassment

Sexual harassment is a specific type of harassment concerning behaviour of a sexual nature and may be experienced alongside or in addition to harassment based on other protected characteristics as described above. Individuals could encounter sexual harassment from or by someone of any gender and the impact of the behaviour need not be intentional. Employers have a statutory duty not only to deal effectively with sexual harassment but also to take reasonable steps to prevent it from happening and responsibility for meeting this duty sits with everyone.

The examples of possible harassment listed above may be considered sexual harassment if they involve unwanted or unwelcome behaviour of a sexual nature. Other examples could include:

- Sexual comments, jokes, gestures, or 'banter';
- Unwelcome sexual advances or propositions e.g. flirting, sexual compliments, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- Unwanted physical contact e.g. touching, hugging, or kissing;
- Standing too close or brushing against someone's body;
- Displaying or sharing sexually offensive materials in any format e.g. pictures, posters, photos, or desktop backgrounds and screensavers;
- Inappropriate discussions or questions about a person's private or sex life, or their sexual orientation;
- Sexual assault of any nature.

[Back to Contents](#)