

British Transport Police Authority

Grievance Resolution Procedure

Author	L. Barrick
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1. Aim

- 1.1 An effective grievance resolution procedure (the “Procedure”) forms part of British Transport Police Authority’s (BTPA’s) policy of having procedures in place which ensure that all employees and workers are treated fairly, impartially and with care and consideration.
- 1.2 A formal grievance resolution procedure provides individuals with a course of action should they encounter problems that cannot be resolved informally through regular communication with their manager.
- 1.3 A simple, effective and well understood grievance resolution procedure is important. Properly used, it will enable those who feel they have been unfairly or inconsistently treated with opportunities to discuss and resolve their problems and for the organisation to learn from the issues raised.

2. Overview

- 2.1 The purpose of this Procedure is to facilitate the timely resolution of workplace problems where inconsistency or unfairness is alleged. The intention is that grievances should be resolved as quickly and as near to the point of origin as possible. The grievance resolution procedure should not be used as a way of avoiding the day-to-day interaction between management and employees / workers. Thus effort should be made to resolve the problem informally first before resorting to the grievance resolution procedure. To support this mediation is encouraged (refer to Section 5 - Mediation).
- 2.2 This Procedure details the steps to be followed; it gives guidance on timescales to encourage the timely resolution of grievances and provides for monitoring. This enables BTPA to identify trends, patterns or problem areas and take remedial action.
- 2.3 This Procedure explains the need for sensitivity in handling complaints and grievances. Information will only be disclosed on a need to know basis. This is to ensure a fair hearing and outcome based on relevant facts, with prior notification to the parties concerned (refer to Section 11 - Confidentiality).

- 2.4 The Procedure can be used for issues such as concerns about pay, working conditions, health and safety concerns, discrimination, harassment or the unfair interpretation or implementation of policies and procedures.
- 2.5 There are separate procedures for dealing with certain issues, for example requests for flexible working. If in doubt about how to raise an issue of concern, you should speak to the Business Manager or a trade union or staff association representative. Once the relevant procedure has been agreed, all parties will be kept informed throughout.

3. Scope and definitions

- 3.1 This Procedure applies to all employees and workers employed or engaged by BTPA, whether on full time, part time, fixed term, permanent or temporary contracts.
- 3.2 The Procedure is separate from the disciplinary procedure. The Procedure should not be used for making complaints normally dealt with under the Unsatisfactory Performance Procedure or Sickness Absence Policy or any action taken against you under those policies. If you are dissatisfied with action taken against you under those policies you should raise an appeal under the appropriate procedure.
- 3.3 The Procedure does not form part of your contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.
- 3.4 Any written grievance that you raise will be placed on your personnel file along with a record of any decision taken and any notes or other documents compiled during the grievance process.

GRIEVANCE RESOLUTION PROCEDURE

4. Informal Discussion

- 4.1 Most grievances can be resolved quickly and informally through discussion with your immediate manager. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak to a more senior manager or a member of Human Resources. If this does not resolve the issue then you should follow the formal procedure below.

- 4.2 If the grievance cannot be resolved informally, you have the opportunity to raise a formal grievance or follow the mediation process if relevant.

5. Mediation

Mediation may be appropriate at any stage in the process of resolving problems but might be particularly relevant at this early stage when opinions and possibilities are often more fluid. For further information on this please contact the Business Manager.

6. Formal Written Grievance

- 6.1 If you feel that the matter has not been resolved informally, you must set out the grievance in writing using Appendix A - Stage One Written Statement of Grievance and send it to your immediate manager. Please note that the grievance can be sent directly to another senior manager, if the grievance concerns your immediate manager or is of a sensitive nature.

- 6.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates and names of individuals involved. In some situations we may need to ask you to provide further information.

- 6.3 The grievance should be submitted in writing within a reasonable time from when it was last discussed in order to encourage a speedy resolution of the problem.

- 6.4 The grievance should be acknowledged by the manager receiving the grievance.

7. Investigation

- 7.1 In some cases it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by your line manager or someone else appointed by us.

- 7.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 7.3 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

8. The Right of Accompaniment

- 8.1 You may be accompanied by a trade union or staff association representative, a support group member or work colleague to any grievance meeting or appeal meeting.
- 8.2 At the meeting your companion may address the meeting, make representations to us but cannot answer questions on your behalf.
- 8.3 If your choice of companion is unreasonable we may ask you to choose someone else.
- 8.4 We may at our discretion allow you to bring a companion who is not a colleague or union representative if this will help overcome a disability, or if you have difficulty understanding English.

9. Grievance Meeting

- 9.1 We aim to arrange a grievance meeting, normally within 10 working days of receiving your written grievance.
- 9.2 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 9.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved and to assist us to reach a decision based on the available evidence and the representations you have made.

- 9.4 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 9.5 We will write to you, usually within seven working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.
- 9.6 Both the aggrieved individual and the individual whom the allegations are directed towards (where one is involved) have a right to see the final report/documentation as part of this process. When there is more than one individual whom allegations are directed towards (and they wish to see the final report/documentation) the manager responsible for the grievance resolution procedure must seek advice and guidance from the Business Manager on what documentation may be disclosed to whom. Individuals must not disclose information from the report/documentation to others as the information is confidential.
- 9.7 The individual whom the grievance is against does not have the right to appeal the decision of the grievance meeting.

10. Appeal

- 10.1 If the grievance has not been resolved to your satisfaction you may appeal in writing within seven working days of receipt of the grievance outcome letter, detailing the grounds on which they wish to appeal.
- 10.2 The appeal letter should be sent to the person named in the grievance outcome letter.
- 10.3 We aim to hold an appeal hearing normally within 10 working days of receipt of your written appeal. Your appeal will be heard by an Appeal Manager who will, where possible, be someone more senior than the person who heard your grievance and will be someone who has not previously been involved in the case.

- 10.4 As before, you have the right to be accompanied at the appeal hearing or to consult with a trade union or staff association representative, a support group member or work colleague.
- 10.5 The Appeal Manager will ensure that all parties are informed of the outcome, in writing, within seven working days of the appeal hearing and will send you an Appeal Hearing Final Decision Letter. This notification will include reasons for the decision, any follow up actions and who is to take it, together with confirmation that the decision is final. On completion of the appeal hearing this grievance resolution procedure is exhausted. There is no further right of appeal.

11. Confidentiality

- 11.1 Cases under the grievance resolution procedure will be conducted in confidence. However, there may be times when this becomes impossible due to the nature of the complaint being considered. In such circumstances, the extent of confidentiality/disclosure should be discussed with the individual who raised the grievance and the manager responsible for resolving it.
- 11.2 All paperwork and documentation relating to the grievance which is of a confidential nature must adhere to the Government Marking Scheme as detailed in the Document Protective Marking Policy. All forms/letters/statements will be classed as 'Restricted - Staff (when completed)'.
- 11.3 On conclusion of the grievance, all relevant papers will be retained in the Chief Executive's Office.

12. Grievances Resolved or Withdrawn

When a grievance is resolved or withdrawn at any stage, the manager handling the grievance must ensure this is confirmed in writing. The aggrieved individual should be given reasonable time to discuss the decision with a trade union or staff association representative, a support group member or work colleague before confirming their acceptance of the decision.

13. Trade Union, Staff Association & BTP Support Groups

There is a general emphasis throughout this Procedure on employees and workers seeking advice when they have a sense of grievance. You should seek advice and guidance from the BTP Federation or Transport Salaried Staff Association (TSSA) representative. Moral support can be sought from BTP support group members.

14. Monitoring and review

- 14.1 All grievance records will be held in the Chief Executive's Office. The information obtained will be treated in confidence, held in files marked under the Government Protective Marking Scheme as 'Restricted-Staff' in accordance with BTPA guidelines on information security.
- 14.2 In addition to monitoring the application of the grievance procedure overall, the review process has been designed to comply with the specific employment duties whereby BTPA is required to monitor, by reference of racial groups, the numbers of individuals from each such group who raise a grievance and publish the results of its monitoring on an annual basis.
- 14.3 Grievance records retained by BTPA will be reviewed seven years from the time that the statement of grievance is submitted, to determine if it is appropriate to destroy the records. If it is not, a new timetable for review will be set. All grievance records that relate to an employment tribunal that are retained by BTPA will be destroyed 10 years after the last entry.
- 14.4 The Grievance Resolution Procedure will be subject to regular review and BTPA reserves the right to amend the procedure from time to time in accordance with any requirements of law or good employment practice. You will be given reasonable notice of any such changes.