

# MICKLEY VILLAGE PRIMARY AND NURSERY SCHOOL

## GRIEVANCE POLICY



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**DERBYSHIRE LA**

# **GRIEVANCE PROCEDURE**

**MICKLEY VILLAGE PRIMARY AND  
NURSERY SCHOOL**

# Grievance Procedure

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# MICKLEY VILLAGE PRIMARY SCHOOL

## Grievance Procedure

### Purpose

The purpose of the Grievance Procedure is to set out the framework by which an employee's grievance will be addressed as quickly and fairly as possible. A grievance is a concern, problem or complaint which is raised by an employee relating to their employment.

Issues that may cause grievances and are covered under this policy including:

- the school's application of terms and conditions of employment e.g., temporary contract, part-time working, etc
- health and safety
- work relations
- working practices, including new working practices
- working environment
- organisational change not covered by restructure/redundancy procedure
- discrimination
- the expectations of the allocated job role in school
- workload/wellbeing concerns
- bullying and harassment only where addressing the issue under an alternative specific bullying and harassment procedure would not be appropriate.

This also covers grievances by more than one person on the same issue.

The list of examples of possible grievances are not comprehensive or exhaustive.

The Grievance Procedure should be adopted in its entirety and schools should follow the requirements set out in the advice and guidance, which provides more detail of the process as well as guidance to Governing Boards in respect of Grievance matters.

### Scope

This grievance procedure has been determined by the Governing Board of Mickley Village Primary School in and consistent with the requirements of National and Local Conditions of Service and the Articles and Instruments of Government. It applies to all staff employed within the staffing complement of the school. Employees and managers should aim to settle most grievances informally. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly. In cases where the line manager is the subject of the grievance, individuals should be able to discuss their concerns with another manager or another appropriate person.

A Grievance Guidance bulletin agreed by and produced on behalf of all of the trade unions and professional associations is attached as Appendix 1. It is a useful reference document for use by schools.

In the event of the grievance being against the Governing Board or Sub-Group of the Governing Board, for instance subsequent to an appointment, the matter should be raised in the first instance with the Headteacher, in accordance with the process below.

Where this procedure is adopted by an Academy or Multi Academy Trust substitutions should be made throughout to utilise the actual title of leaders (e.g., Principal/Head of School) and to reflect the appropriate levels of delegation to such leaders, Governing Boards and CEOs.

## Key Principles

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures and is based on the following principles:

- The school believes that all employees should be treated fairly and with respect.
- High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.
- School Leaders and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- The prime focus of Managers/School Leaders and employees raising a grievance should be on resolving the issue.
- Employees should aim to settle most grievances informally with their line manager. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly. In cases where the line manager is the subject of the grievance, individuals should be able to discuss their concerns with another manager or another appropriate person.
- Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
- Any employee against whom a grievance is lodged should be allowed full opportunity to respond.
- An employee raising a grievance has a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the employee. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.

- If an employee raises a grievance during the disciplinary process the school can pause the disciplinary procedure and deal with the grievance first. If the disciplinary and grievance cases are related, the school can deal with both at the same time. Please refer to the advice and guidance for information.
- Mediation should be considered where appropriate at every stage of the procedure including after an appeal has been lodged. Mediation can only take place if all parties agree to participate. Electronic recording of meetings held as part of this procedure is strictly prohibited unless expressly agreed by all parties. The use of recording equipment by any party without consent may constitute a disciplinary matter.
- Any individual, including any nominated Governor or Grievance Sub-Committee will not include any Governor previously involved in the case.
- Any reference to “days” or “working days” shall mean Monday to Friday normally during term-time, excluding bank holidays. With the agreement of all parties, it may be possible to expedite the process.

## Exclusions

The Grievance procedure will not apply:

- Where there are separate, specific School procedures to address an issue e.g., normally, Confidential Reporting Code, Pay Policy.
- To issues, where the Bullying & Harassment procedure would normally apply. Careful consideration should be given to which is the most appropriate procedure to follow.
- To issues, which are the subject of collective negotiation or consultation with the Trade Unions. This does not preclude a group of employees raising a collective grievance in relation to any of the issues described above.
- If the complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process.
- Where there is an attempt to use the grievance procedure for frivolous, malicious or vexatious accusations. This may be treated as misconduct and may lead to disciplinary action.
- In relation to the outcome of the Job Evaluation grading of a support staff post.
- Where it is determined that the nature of the allegation constitutes potential serious misconduct, according to the School’s disciplinary procedure. If so, the School’s disciplinary procedure should be followed and the complainant should be advised of this decision.

## Timescales

Employees are strongly encouraged to raise concerns in a timely way preferably within 3 months of the incident occurring, to ensure colleagues/managers are aware of the issues and early consideration can be given. However, flexibility should be exercised when circumstances (e.g., absence or accumulation of concerns, or if the employee has needed time to build up the confidence to disclose their concerns) mean that relevant evidence refers to incidents which occurred prior to 3 months before the submission of the grievance.

## Roles and Responsibilities

Key Roles within the grievance process are:

- a) **Line Manager / Appropriate person** – Responsible for the informal stage of Grievance Procedure.
- b) **Investigating Officer** - An appropriate person will be assigned to the role of Investigating Officer. They will take responsibility for formal stage 1 of this procedure and the investigation of the facts and feedback.

They will be:

- The Headteacher / Principal  
or
- Another member of the Senior Leadership Team, who may undertake this role where this is delegated to them or where the Headteacher has been involved in informal attempts to resolve the grievance.  
or
- A nominated Governor, who may undertake this role where the grievance is brought by an employee against the Headteacher or the Headteacher has been involved in informal attempts to resolve the grievance.

Where the aggrieved has a concern about the assigned Investigating Officer, they may write to the Headteacher / Chair of Governors, giving reasons. Where legitimate concerns are raised these will be carefully considered and an alternative Investigating Officer may be offered, if possible.

- c) **The Grievance Appeals Sub-Committee\*** - No Governor who has been party to the details of the grievance may be included in the Committee. An HR adviser may attend the appeal hearing and provide support to the Investigating Officer and the Grievance Sub-Committee. (***\* When determining the membership of any 'panel' of Governors, the school will endeavour to provide a balance of membership, including equality and diversity considerations, where possible.***)

- d) **Trade Union representative or workplace companion** – A worker who raises a formal grievance about a duty owed to them by their employer has a right to be accompanied at a grievance hearing\*. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance.

*(\*At a grievance hearing the companion must be allowed to attend and address the meeting in order to: • put the employee's case • sum up the employee's case • respond on the employee's behalf to any view expressed at the hearing • confer with the employee during the meeting but has no right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.) It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions.*

**The right to be accompanied** - All employees are entitled in law to be accompanied, if they wish, at any formal grievance meeting, normally by a colleague or a Trade Union representative. If the employee's chosen companion is not available at the proposed time of the grievance meeting, they may request a reasonable alternative time for the meeting that falls within 5 working days of the time originally proposed. In this case, the meeting must be postponed as requested.

In some cases, the employee may wish to bring the companion along simply for moral support rather than for representation.

### **Addressing a Grievance - Informal Stage**

It is recommended that wherever possible grievances are dealt with at an informal stage. However, it might be appropriate for an employee to raise the grievance formally, for instance but not exclusively, if:

- they feel raising it informally has not worked
- it's a serious issue
- they do not want to resolve it informally

- **Employee Action** – Raising a Concern

Where a grievance involves another employee, an attempt should first be made by those involved to resolve the matter as soon as possible, bearing in mind that all employees have an overall responsibility to work co-operatively with colleagues in a climate of mutual respect. The majority of concerns, problems and complaints should be settled in this way.

If discussions between the parties is insufficient, more formal mediation should be considered at this stage. There is a mediation service available via Derbyshire County Council's HR Advisory Service.



- The employee should raise the grievance with their line manager if an approach to the individual is unsuccessful

If the grievance is about the Line Manager, the employee should raise the matter with the next appropriate senior manager. The employee may request that they be supported by their union representative or other representative at this stage.

- **Line Manager Action**

The line manager will meet with the employee, listen and clarify the issues.

They will make initial informal enquiries, which may include raising the complaint with the individual who is subject to the grievance, to try to seek a resolution or establish whether a more detailed investigation under the formal Stage 1 procedures are required and will provide feedback to the employee about whether a resolution can be found. The manager may consult with their HR Provider.

## **Stage One (Formal)**

### **Employee action**

If the employee considers that their grievance has not been resolved to their satisfaction by informal discussion or the informal stage of the procedure is not deemed to be appropriate by any party the grievance should be considered under formal Stage 1. The complainant may refer the matter to their recognised professional association or Trade Union, to allow representations to be made on their behalf.

If the Headteacher has not been involved previously in dealing with the complaint the grievance should be submitted in writing to the Headteacher.

In the event that the complaint is against the Headteacher, (or the Headteacher has dealt with the grievance at the informal stage), the complaint should be sent in writing to a Nominated Governor, via the Chair of Governors.

The employee will be requested to provide:

- Full name and post title
- A summary of the facts of the grievance
- Dates and times of any incidents, in order
- Details of any witnesses or supporting evidence
- Details of what efforts the employee and others have made to resolve the complaint
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure if applicable

- Details of who will accompany the employee to the grievance meeting
- Details of what resolution/outcome the employee would like

Where an employee has met the line manager to try and resolve the grievance informally this information can be obtained as part of the informal meeting and a written record of this can be used as the basis of the formal grievance.

**Management Action** – Including an investigating of the facts.

An appropriate person will be assigned to the role of Investigating Officer.

This will be:

- The Headteacher
- Another member of the Senior Leadership team or
- Nominated Governor

Any employee who is named as the subject of the grievance will be notified that the complainant has raised a grievance which is being dealt with under the formal procedures.

Mediation may be considered. **The Investigating Officer will assess whether there is any scope for an informal resolution with the agreements of both parties.**

The working arrangements in place immediately prior to the grievance or if the subject of the grievance is that the working arrangements are being changed then the working arrangements in place prior to the grievance being lodged should remain in place until the procedure has concluded – except where the Headteacher considers that one or more of the following overrides that principle:

- Relevant legislation, e.g., Health and Safety
- Safeguarding requirements
- The safety of students and staff

An HR adviser may provide support to the Investigating Officer.

The Investigating Officer will reply to the grievance letter within 5 working days and arrange a formal grievance meeting under Stage 1 of the grievance procedures to listen and clarify the issues.

- The meeting will take place as soon as possible and at the latest within 15 working days.
- The purpose is to give the employee opportunity to explain their grievance and to seek a resolution, to the employee's satisfaction, taking into account the school's

procedures, policies and the need for consistency and fairness. It should be noted that this is intended to be a meeting focused on resolutions rather than a formal meeting.

- The employee should go to the meeting prepared to explain their case and to make clear the outcome they are seeking
- There is a right to be accompanied to the meeting – usually by a colleague or Trade Union representative. Efforts should be made to accommodate all parties.
- The employee should be given the option of accessing mediation. Mediation will only take place if all parties agree. This would entail pausing the grievance process whilst mediation is explored.

After the meeting, the Investigating Officer will investigate the facts, including where appropriate raise the complaint with any employee who is the subject of the grievance and secure a written record of their response. They will check the situation with other witnesses and obtain written statements, where relevant. If the grievance is upheld the Investigating Officer will determine an appropriate resolution.

Wherever possible the investigation should take no longer than 15 working days to complete however, the period for the investigation will depend on the complexity of the grievance, the number of people and documents involved. Also, the availability of Governors, taking into consideration the voluntary nature of the role.

When the investigation is complete the Investigating Officer will feed back the findings from the investigation and provide their conclusion and decision. This may be in writing or at a reconvened grievance meeting.

Where a reconvened grievance meeting takes place, the employee will be given 5 working days' notice of the meeting and has the right of representation. The Investigating Officer will confirm the outcome (findings, conclusion and decision) in writing within 5 working days of any reconvened meeting.

The employee will have the right of appeal should they be dissatisfied with the outcome.

## **Stage 2 (Appeal)**

### **Employee Action - Complainant dissatisfied with outcome of formal Stage 1**

- Where it has not been possible to resolve the grievance at formal Stage 1, the complainant should submit formal written notice of appeal to the Investigating Officer within 10 working days of receipt of the written notification of the outcome of Stage 1 of these procedures.
- The specific grounds of the appeal should be set out in the appeal letter e.g., evidence does not support the conclusion, or issues in relation to the application of the procedures. and the employee or representative will use these grounds to establish

their case at the beginning of the appeal. The appeal will focus on the parts of the decision with which the employee is not satisfied.

- The Investigating Officer will respond to the letter of appeal within 10 working days of receipt, inviting the employee to attend an appeal hearing. They will be given 10 working days' notice of the date of the hearing. Any employee who is the subject of the grievance will also be informed of the Appeal Hearing. If the appeal relates to the substance of the case then the subject of a grievance will have the right to attend whole, or part, of the hearing, depending on whether there are other aspects to the grievance. If the appeal focuses on how the investigation was carried out or the actions proposed as a result of the findings at a previous stage, then any employee who is named in the case will only attend as a witness, as relevant.
- The Investigating Officer will prepare a written statement of case as soon as possible for the Grievance Appeal Sub-Committee of the Governing Board, which shall comprise three Members.
- The statement will summarise the findings of the Investigating Officer in investigating the grievance and make reference to outcome/actions determined in the response.
- Any statements of case or evidence on which management or employee seek to rely, will be provided to all relevant parties at least 5 working days prior to that hearing.
- The aggrieved has a right to be accompanied at the appeal.

The matter will end following consideration of the appeal by the Grievance Appeal Sub-Committee. The outcome of the appeal will be reported to the next meeting of the Governing Board.

Following the appeal hearing if it is determined by the Grievance Appeal Sub-Committee that there is an important principle arising which should be considered by the Authority the grievance will be upheld/not upheld with recommendations on how this will be taken up with the Local Authority.

The outcome of the appeal will be provided in writing to the employee within 5 working days. Any employee who is a subject of the grievance will also be informed of the outcome.

### **The Headteacher**

- In the event the aggrieved person is the Headteacher and it is not possible to address or resolve the matter at an informal stage, it will be referred to a nominated member of the Governing Board who will seek to resolve the grievance personally and in maintained Schools may also seek consultation with the Executive Director for Children's Services or their representative, and/or with representatives of the professional association(s) concerned, as may be thought appropriate.

- Where, despite the attempts made in the above point it has not been possible to resolve the grievance, the Headteacher should submit a formal written notice of the grievance to the Chair of Governors.
- Upon receipt of the formal written notice, the Chair of Governors will arrange for the procedures outlined in Stage 1 and Stage 2 above to be followed. In consultation with members of the Governing board it will be determined how members of the Governing board will be allocated to appropriate roles within the process to ensure that fairness and confidentiality are maintained. The Chair of Governors may wish to consult their HR provider for further support.

## **GRIEVANCE PROCEDURE FLOW CHART**

### **Informal Stage**

Employee raises with colleague / their manager or Headteacher depending on the circumstances and seeks to resolve\*

\*In some circumstances it might be appropriate for an employee to raise the grievance formally.

If matter is not resolved go to Stage 1

### **Formal Stage 1**

- Employee puts grievance in writing to:
  - Headteacher if the grievance is about the actions of another employee.
  - Chair of Governors if the grievance is about the actions or decisions of the Headteacher.
- An Investigating Officer is appointed.
- The Investigating Officer arranges a grievance meeting where the employee will be asked to explain their concerns and desired outcome.
- The Investigating Officer undertakes an investigation of the facts.
- The Investigating Officer will feedback and provide their conclusion and decision either in writing or at a further meeting.
- Written confirmation of the outcome will be provided by the Investigating Officer and will include right to appeal.

If matter is not resolved go to Stage 2

### **Formal Stage 2 (Appeal)**

- Employee submits formal written notice to the Investigating Officer of appeal, setting out grounds, (within 10 working days of outcome letter).
- Investigating Officer arranges a grievance appeal hearing with a Grievance Sub-Committee of Governors.
- Governors' Grievance Sub-Committee hears appeal and feeds back decision to all parties.
- Chair of Grievance Sub-Committee confirms outcome in writing and outcome is reported to next full Governing Board Meeting.

### **End of Procedure**

**NOTE:** Mediation can be helpful in providing a solution and can be explored at any stage of the grievance process.

### **Grievance Guidance -**

This brief guidance is intended for colleagues who are school leaders, line managers and any employees who believe they have a problem or issue which needs dealing with. It does not replace the Grievance Policy. It simply aims to guide everyone involved in the right direction, which might mean the concern is resolved or needs to be taken further.

It is important to note that school leaders and line managers have an entitlement to take out a grievance in the same way as any employee.

Schools are fast paced, ever changing places and emotionally charged because they are dealing with children. There are high expectations and demands which make them both challenging as well as significantly rewarding places to work. However, the dynamic nature of schools, the wide variety of activities and complex organisational demands can cause problems. All staff, including school leaders, whatever their role can make mistakes, say or do the wrong thing. It is how we deal with those situations which lead to them being easily resolved or requiring further attention and potentially becoming a grievance.

### **Grievances are less likely to occur where school leaders/ line managers.....**

Listen as well as lead

Model positive relationships

Always treat staff with respect

Have reasonable expectations

Challenge staff in an appropriate way – high expectations are fine so long as they are accompanied by the right level of support and training

Choose the right staff for particular roles

Explain decisions and introduce change in the right way

Change direction where necessary and acknowledge misjudgements

Don't pass stress down to staff

Are appropriately supportive and compassionate

### **Employees have responsibilities as well**

If there are problems or concerns let your line manager know - don't suffer in silence. They can't help if they don't know there is an issue. Relatively small concerns can potentially develop into significant problems over time if not tackled early.

Be professional, respectful and considered in any discussion with your line manager. By being reasonable it helps the conversation to focus on solutions rather than the problem. There is a recognition, of course, that frustration, anger and upset can be difficult to manage but successful outcomes are more easily achieved when they are. Emotive language from anyone involved tends to hinder progress. Having suggestions to potentially help resolve the problem can be welcomed, management don't always have the answers and may welcome your input.

### **Grounds for grievances**

If you feel that you have been treated unfairly, unreasonably or inappropriately you may well have the basis for a grievance. There are never circumstances when you should be treated without respect. If you are asked to do

something which you are contractually obliged to do there may still be a potential grievance if you are expected to do it more often than other staff, or if the circumstances are in any other way unreasonable. However, if it is simply some particular aspect of the job you don't enjoy, which is probably true for all staff, including school leaders at times, it is perhaps unlikely that this in itself would be strong grounds for a grievance. However, it is important to recognise that any employee has the legal right to raise a grievance over any aspect of their working life if they wish.

#### **Discuss with an appropriate colleague**

If you have a problem it may well be upsetting, resulting in stress and anxiety. It is advisable to consult with someone who you trust and has some understanding of the circumstances of your concern from another viewpoint. It needs to be someone you know will tell you what they think rather than what they believe you want to hear. It also needs to be someone who understands confidentiality.

#### **Next Steps**

Not every workplace or line manager follows the guidance for good practice listed above. Even the best line managers don't necessarily manage to follow best practice consistently. As referred to above, things can go wrong, mistakes are made, people are human. We are far more likely to forgive someone an error of judgment if generally that person is reasonable and approachable. It is sometimes possible to upset someone without there being any intent or malice. Misunderstandings and miscommunication are sometimes inevitable in a busy school. Often, potential grievances can be discussed and where necessary apologies are made and the matter resolved.

**However, if your grievance is not dealt with informally to your satisfaction and you are unhappy with the outcome then that is the point at which you would consult the more formal sections of the Grievance Policy.**

If the person responsible for the problem is dismissive of the issue and/or unrepentant, the formal route detailed in the Grievance Policy would almost certainly be your next move.

Some grievances at the more serious end of the scale are highly unlikely to be resolved by a quick, friendly discussion followed by an apology. It is important to recognise that any employee has the right to go straight to a formal grievance if they consider it is justified to do so.



**Procedure of Grievance Sub-Committee - Appeal Stage**

1. The aggrieved employee shall be given at least 10 working days\* notice in writing of the date, time and place of the hearing and shall be informed of the right to be represented by their Trade Union or professional association representative or friend and shall be able to call witnesses and to present the documents relevant to their case.

If another employee is a subject of the grievance, they will also receive at least 10 working days' notice in writing of the arrangements. They will be provided with a copy of all documentation relevant to their involvement.

2. Copies of all documents to be relied upon at the hearing shall be submitted by the aggrieved, the Investigating Officer, to the Sub Committee/Board at last 5 working days prior to the date of the hearing. The Investigating Officer should have provided to those hearing the case, and other relevant parties, all documentation to be relied upon, so there should be no need for any subject of the grievance to submit any material.

The subject of the appeal will\* attend throughout the presentation of the case, where the entirety of the grievance pertains to them. Otherwise, they will attend only as a witness for the relevant section, (ii).

3. The Investigating Officer will present their report of the investigation and outcome of the case at the previous stage. They may call witnesses.
4. The aggrieved will have the opportunity to ask questions of the Investigating Officer and any witnesses.
5. Any employee who is the subject of the grievance will, have the opportunity to ask questions of the Investigating Officer and any witnesses.
6. The Sub-Committee will have the opportunity to ask questions of the Investigating Officer and any witnesses.
7. The aggrieved will put their case, which will focus on those areas of the Investigating Officer's findings that they do not accept. They may call witnesses.
8. The Investigating Officer will have the opportunity to ask questions of the aggrieved and their witnesses.
9. Any employee who is the subject of the grievance will have the opportunity to ask questions of the aggrieved and their witnesses.
10. The Sub-Committee will have the opportunity to ask questions of the aggrieved and any witnesses.

11. The subject of the grievance will put their response to the grievance, which will focus on any areas where they do not accept the Investigating Officer's findings. They may call witnesses.
12. The Investigating Officer will have the opportunity to ask questions of the respondent and any witnesses.
13. The aggrieved will have the opportunity to ask questions of the respondent and any witnesses.
14. The Sub-Committee to have the opportunity to ask questions of the respondent and their witnesses.
15. All witnesses will withdraw at this point.
16. The aggrieved employee, Investigating Officer and the subject of the grievance to have the opportunity to sum up their case if they so wish.
17. The aggrieved employee, Investigating Officer and the subject of the grievance to withdraw.
18. The Sub-Committee/Board to deliberate only recalling the aggrieved employee, Investigating Officer and subject of the grievance to clarify points of uncertainty on evidence already given. If recall is necessary, all three parties are to return, notwithstanding that only one may be concerned with the point requiring clarification.
19. The Sub-Committee/Board will announce its decision to the employee personally and to their representative, Investigating Officer and subject of the grievance. This will be confirmed in writing within 5 working days.

*\* For the purpose of this procedure "working days" shall mean Monday to Friday normally during term-time, excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. With the agreement of all parties, it may be possible to expedite the process.*

*(i) The aggrieved may be represented by an accredited Trade Union representative or by a friend/colleague. The representative may present the case on their behalf, question witnesses and sum up but the aggrieved will provide any responses to questions.*

*The subject of the grievance may be represented by an accredited Trade Union representative or a friend/colleague. The representative may present their response to the grievance, ask questions of witnesses and sum up but the subject of the grievance will respond to any questions.*

*(ii) Where a subject of the grievance is attending the hearing only as a witness, all references to the subject of the grievance presenting a case, asking questions of the aggrieved and the Investigating Officer calling witnesses or summing up should be omitted. Therefore, points 11 to 14 will not be included in the procedure.*

*(iii) In some circumstances it may be reasonable to agree that the subject of the grievance is not required to attend. Where this is the case mitigations should be put in place to ensure that a fair process is followed.*

