



# GRIEVANCE POLICY AND PROCEDURE

Document Control	
<b>Date of Last version</b>	Mar 2011
<b>Latest review</b>	Oct 2012
<b>Name of Reviewer</b>	Niki Cater
<b>Consultation</b>	TU's Oct 2012
<b>Approved by</b>	
<b>Next Review Due</b>	Oct 2013

## Contents

1.0	Introduction	Page 1
2.0	Statutory Guidance	Page 1
3.0	Application	Page 1
4.0	Access to this Policy	Page 1
5.0	Disputes with work colleagues	Page 1
6.0	Salary Gradings	Page 2
7.0	Role of HR team	Page 2
8.0	Right to Representation	Page 2
9.0	The Procedure	Page 2
9.1	1 <sup>st</sup> Stage: Informal Action	Page 2
9.2	2 <sup>nd</sup> Stage: Formal Action	Page 3
9.2.1	Formal Meetings: Except Directors	Page 3
9.2.2	Formal Meetings: Directors	Page 3
9.3	3 <sup>rd</sup> Stage: Appeal	Page 4
9.4	The Grievance Hearing	Page 4
9.5	Adjournments	Page 4
9.6	Keeping Records	Page 5
10.0	Varying the Procedure	Page 5
11.0	Confidentiality of proceedings	Page 5
12.0	Revisions to the Grievance Procedure	Page 5
13.0	Group Grievances	Page 5

## **1.0 Introduction**

The Council believes that its employees should be treated equally and with respect. The grievance procedure provides a means for dealing with any grievance, concern, problem or complaint, which you may have in the course of, and connected with, your employment. It is our policy to deal with grievances quickly and fairly, and in total confidence

It is primarily the responsibility of your line manager/supervisor and you to develop informal, yet effective, means of communication and consultation which makes the need to resort to the grievance procedure an exception.

In some cases it may be helpful to use the services of a mediator to try and resolve the issue before resorting to the grievance procedure. Mediation is most effective when used early in the process. For more information regarding mediation contact the HR team. The cost of mediation will be met by the manager requesting the service.

The move to the formal stage of this procedure should be seen as a last resort after attempts to solve your grievance informally have been exhausted.

## **2.0 Statutory Guidance**

Our grievance procedure follows all current statutory requirements and best practice guidance. The Council's grievance policy and procedure forms part of our contract of employment and will always be applied fairly and consistently to all employees.

## **3.0 Application**

The grievance procedure applies to all staff and is intended to be used if you have a grievance against the action(s) or lack of action of your manager or supervisor, which you consider to be to your detriment, or for other matters connected with your employment. You may also pursue a grievance against other managers in a more senior position.

## **4.0 Access to this Policy**

In the application of this policy, the Council will make reasonable adjustments for employees who are unable to deal with written correspondence and requirements due to disability, as well as any other reasonable adjustments that may be required to enable an employee to fulfill their obligations as part of this Policy. Employees who need assistance with interpreting this policy can contact the HR team for guidance and support.

## **5.0 Disputes with work colleagues**

This procedure is intended to be used where employees feel aggrieved about a decision made by their manager (or a more senior manager) or the way in which that manager has managed a situation.

The Grievance Policy should not be used where other procedures would be more appropriate; for example the 'Management of Harassment and Bullying Policy', or the 'Disciplinary Policy',

If you are unhappy with the conduct of a work colleague(s) you should discuss the matter with your manager. If you are unhappy with the action taken by your manager, and wish to pursue the matter further, you may do so under the grievance procedure, unless you believe the actions of your colleague amount to Bullying and/or Harassment, in which case you should follow the procedure outlined within that policy.

## **6.0 Salary grading**

You should not use the grievance procedure to appeal against a salary grading. This issue is dealt with through the Council's Pay and Grading Policy, and Job Descriptions are evaluated using the NJC scheme and process.

## **7.0 Role of the HR team**

The role of the HR team is to advise managers and employees involved in formal grievance proceedings about the procedure and its application. A member of the HR team will attend all formal grievance meetings to advise and ensure that the procedure is followed. It is not, however, the role of members of that team to take part in decision-taking or to conduct grievance interviews.

If you are considering taking formal grievance action or wish to complain about a procedure or policy, or are unsure of what action to take when you are faced with a matter, which concerns you, you are advised to speak in confidence to a member of the HR team at an early stage.

If you are considering using the formal grievance procedure, you may wish to contact your Trade Union representative, who will be able to discuss the issue(s) with you, and support you through the procedure. You may also wish to contact the HR team to discuss the procedure and what you can expect to happen, as well as any other support that may be available to you. Members of the HR team are not able to discuss the specific issues of the grievance with you, but will be able to advise on the process.

## **8.0 Right to representation**

If you are taking formal grievance action you have the right to be represented by a Trades Union representative or a work colleague at every stage, including any appeal. It is up to you to arrange this support, and to notify the HR team of the name of your representative. The role of the representative or work colleague is to support you, and s/he has the right to speak on your behalf. However, it is not the role of the representative or work colleague to answer questions put to you. The person against whom the grievance is made is also entitled to be represented at all hearings.

## **9.0 The Procedure**

### **9.1 1<sup>st</sup> stage: Informal action**

You should raise your concerns initially with your line manager, preferably in writing; explaining what the issues at hand are and the outcome that you would like. If your grievance concerns the actions of your manager, then you should report it to his/her line manager.

Your manager should arrange to meet with you as soon as possible, but certainly within 5 working days of receiving your grievance (If they are not able to meet with you within 5 working days, they should respond to you in writing within 5 working days explaining why there will be a delay and confirming a date for a meeting).

S/he will make notes of your discussion, and any agreement reached or action to be taken, and, if appropriate, state that the grievance has been resolved. These notes will be given to you within 5 working days of the meeting, and a copy will be placed on your personal file and that of the other staff member concerned, if applicable.

Depending on the circumstances, your manager may be accompanied by a member of the HR team to take notes for them and advise on process. You will also have the right to be accompanied by a work colleague or Trade Union Representative.

## **9.2 2<sup>nd</sup> stage: Formal action**

If an informal discussion with your manager does not resolve the issue to your satisfaction, you may use the formal stages of the grievance procedure

Your grievance should be clearly set out, in writing, to your Director. In the case of a Director raising a grievance, this should be set out to either the Executive Director or Chief Executive. You should include an outline of the issue(s), which concern you as well as the outcome that you would like. You should do this within 5 working days of receiving a written response regarding the outcome of the informal meeting.

### **9.2.1 Formal Meeting - All employees except Directors**

Your Director or a manager nominated by him/her will then meet with you and your line manager. If your grievance is about your line manager then your Director may choose to meet with you separately, depending on the nature of your grievance.

This meeting will take place within 5 working days of receipt of your request for a formal grievance hearing. If the Director cannot meet with you within 5 working days of receiving your grievance letter, they should write to you explaining why there will be a delay and confirming a date for a meeting. You have the right to be accompanied at this meeting; this can be a work colleague or Trades Union representative. You must take all reasonable steps to attend this meeting.

The Director will hear the case from both you and your manager during the meeting. Both sides will be present at all times to hear each other's case and to have the opportunity to ask questions and present evidence. The hearing can be adjourned at any time if the Director feels it is appropriate.

The role of the Director at this stage is to gain an understanding of the facts surrounding your grievance and to determine if the grievance is to be upheld and to recommend a course of action to resolve the conflict/issue. A representative of the HR team will be present to offer advice on the procedure and to take notes.

In normal circumstances a written reply to your formal grievance will be supplied within 5 working days of the meeting. However, this may not always be possible, if the Director needs to seek further clarification or guidance about the material issues or resolutions available to them. In such situations the Director should write to you within 5 working days of the meeting, explaining the reason for the delay and when you can expect to hear from them with an outcome.

### **9.2.2 Meeting - Directors**

In the case of Directors, an Executive Director or the Chief Executive will hold the meeting with you. If your grievance is about an Executive Director or the Chief Executive then it will be referred to the Staffing Portfolio Holder and an Independent Advisor.

The meeting to hear the grievance will be arranged as quickly as possible, but normally no later than **10 working days** of receipt of your request for a formal grievance hearing. If the person hearing the grievance cannot meet with you within 10 working days of receiving your grievance letter, they should write to you as soon as possible explaining why there will be a delay and confirming a date for a meeting. You have the right to be accompanied at this meeting by a work colleague or Trade Union representative.

The procedure will then follow the same format as that outlined in Section 9.2.1.

### **9.3 3<sup>rd</sup> Stage: Appeal**

If you are still not satisfied that your concerns have been properly addressed and satisfactorily resolved, you may appeal to the Chair of the Employment Committee, who will appoint a panel of three members to hear your appeal. You may only appeal if you have already exhausted the previous stages (unless in exceptional circumstances it is agreed by all parties that the matter should progress to the third stage).

Your appeal should be submitted, in writing, stating your reason/grounds for appeal and the outcome you wish to achieve, within 10 working days of the date you were informed of the outcome of the 2<sup>nd</sup> stage hearing. You will then be invited to attend a meeting with the member panel. You have the right to be accompanied by a work colleague or Trade Union representative.

In order to submit a grievance appeal at this level you are expected to provide a reason why you are appealing which falls into one or more of the following categories:

- New evidence has come to light which was not considered at the previous appeal hearing;
- The correct grievance procedure has not been followed at the earlier stages;
- The Manager hearing the grievance at the earlier stage did not consider all of the resolution options available to him/her

The Member Panel Chair will supply a written reply to your appeal within 5 working days of the meeting. In exceptional circumstances, this may not be possible, and where the panel needs to seek further clarification or expert guidance about the material issues or resolutions available to them, the chair of the panel should write to you within 5 working days of the meeting, explaining the reason for the delay and when you can expect to hear from them with an outcome.

The decision of the Member Panel is final.

### **9.4 The Grievance Hearing**

Both 2<sup>nd</sup> and 3<sup>rd</sup> stage hearings will follow the same format. Grievance hearings should be as informal as possible, and allow all parties to put their cases clearly and fully.

This section, therefore, gives guidance rather than setting out an unchangeable agenda.

The suggested format is:

- That all parties and representatives will be present during the hearing
- The hearing Chair introduces the parties and explains the process
- The aggrieved employee or his/her representative outlines the issue(s)/concern(s) and should say how they think it can be settled.
- (If appropriate) the person against whom the grievance is made or his/her representative puts his/her case
- Witnesses will be called where appropriate
- All parties have the opportunity to ask questions and present evidence or ask for further information
- The Chair summarises the issues
- The meeting adjourns to allow the panel members to reach a conclusion
- The conclusion is communicated to the parties – either orally, followed up in writing, or in writing within 5 working days.

### **9.5 Adjournments**

If it becomes evident that more time is needed to gather further information/interview witnesses or other work colleagues or to clarify facts, then the Chair may declare an adjournment. Any of the parties involved may request an adjournment, and such a request will not be unreasonably refused. A re-convened hearing after an adjournment constitutes a continuation of that hearing, and is not a second hearing.

## **9.6 Keeping Records**

It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Records will include:

- The nature of the grievance
- A copy of the written grievance
- The employer's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome
- Subsequent developments

Records will be kept in confidence and in accordance with the Data Protection Act 1998.

A copy of the transcript of all meetings will be provided to the manager and the employee. This should be checked and signed by the employee to confirm that it is an accurate reflection of the meeting.

## **10.0 Varying the procedure**

In practice, the timescales may be varied with the agreement of both parties, and a request to extend the timescale will not be unreasonably refused. If the designated personnel are not available at a given time, then others of the same status may be substituted in order not to prolong proceedings unnecessarily.

## **11.0 Confidentiality of proceedings**

If you are involved in any way with a formal grievance matter you are expected to keep all information regarding the grievance confidential and not discuss it with anyone who is not directly involved. Failure to do so may result in disciplinary action being taken against you.

## **12.0 Revisions to grievance procedure**

The operation of this procedure will be reviewed periodically through the normal consultation process. Any amendments proposed as a result of these reviews will be advised to all staff, and you will be informed of the date from which changes are to be implemented.

## **13. Group Grievances**

Occasionally groups of employees' may all be aggrieved about the same issue; while the Council accepts that such groups may wish to submit a joint written grievance it will treat the matter as separate grievances for each individual, and each individual will be invited to attend a meeting to put forward their own specific concerns, unless where a group is too large for this to be practicable and/or nominates a representative to attend meetings on behalf of the whole group.

Individuals will be written to separately, as circumstances may vary, and employee's submitting a group grievance are expected to respect each other's right to confidentiality.