

Essential Reference Paper B – Draft Grievance Policy

Policy Name **Grievance**

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Statement No 3

Version 4

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1. **Purpose/Aim**

- 1.1 Grievances are concerns, problems or complaints raised by an employee. These could include issues relating to terms and conditions of employment, health and safety, working environment, new working practices and working relationships.
- 1.2 Grievances relating to bullying and harassment should be dealt with under the Council's Bullying and Harassment policy.
- 1.3 Where an employee raises a concern as a 'protected disclosure' in compliance with the public interest disclosure provisions of the 1996 Act, the matter will be dealt with under the Council's Whistleblowing policy.
- 1.4 Grievances raised about the same issue by two or more employees (or by a union representative on their behalf) will follow this policy but will usually be dealt with collectively.
- 1.5 The council will deal with any grievances fairly, confidentially and in accordance with the ACAS Code of Practice on Grievances.
- 1.6 The Council recognises the right of employees to raise grievances relating to their employment. However if an

employee continues to raise grievances which appear to be repetitive and unfounded, this may be regarded as vexatious and could lead to disciplinary action being taken against them.

- 1.7 Wherever possible a grievance should be dealt with before an employee leaves the council's employment. Grievances raised after employment ends will not be dealt with in line with the council's formal grievance procedure.
- 1.8 A flowchart outlining the informal and formal grievance process can be found in Appendix 2.

2. Confidentiality

- 2.1 All parties involved in a grievance must respect confidentiality. Any records will be kept securely and in accordance with the General Data Protection Regulations (GDPR).

3. Support

- 3.1 Support for all parties involved in a grievance is available through the employee assistance programme (EAP). Further details can be found on the intranet.

4. Roles and responsibilities

Managers' responsibilities:

- To deal with matters fairly and promptly;
- To make every effort to deal with matters informally in the first instance;
- To establish the facts of the case and carry out any necessary investigations;
- To take notes of any grievances raised at the informal stage.

Employees' responsibilities

- To make every effort to discuss the issues informally, before the formal process is commenced;
- To raise issues without unreasonable delay;

Human Resources responsibilities

- To advise on procedure, ensuring consistency and equality;
- To take notes at the formal grievance meetings unless the Hearing Manager decides an additional note-taker should be present;
- To act as a facilitator in any informal discussions relating to a grievance if necessary;
- To arrange mediation and support where appropriate.

Role of the Representative (union or work colleague)

The representative should be allowed to:

- Address the meeting;
- Present and sum up the employee's case;
- Respond on behalf of the employee to any views expressed at the meeting (but not to answer questions on the employees' behalf);
- Confer with the employee during the hearing.

A union representative can only attend in a union capacity if they are a full time official or certified by their union as having the necessary experience to perform such a role.

If a Trade Union Steward or Officer raises a grievance they are entitled to be represented by a full time Trade Union Official.

5. Informal procedure

- 5.1 The manager should meet with the employee to ascertain the nature of the grievance and try to agree a resolution. It may be

that a simple resolution can be found, e.g. an apology, however if the matter cannot be resolved informally, the formal procedure may be used.

5.2 It is advisable for managers to keep a written note on the nature of the grievance, what was decided/actions taken and the reasons for the actions.

5.3 If the grievance is against the employee's manager, it may be more appropriate that the matter is dealt with by the manager's manager or another manager who has not been previously involved.

6. Formal Procedure

6.1 The formal procedure can be followed if:

- the grievance has not been resolved informally and/or
- the manager/Head of Service in consultation with HR believe that the grievance is sufficiently serious to warrant formal action.

6.2 There are 5 key stages to the formal procedure:

1. Employee submits the grievance in writing;
2. Invite the employee to a grievance meeting;
3. Exchange documents before the meeting;
4. Hold a grievance meeting with the employee;
5. Confirm the decision in writing.

1. Employee submits the grievance in writing

- The employee should complete the formal grievance form in Appendix 1 and send it to their HR Officer;
- A HR Officer will allocate an appropriate manager who has not been involved in the case so far to hear the grievance (the Hearing Manager);

- It may be necessary to conduct an investigation into the matter before the hearing can take place;

2. Invite employee to a grievance meeting

- The employee will be invited to a grievance meeting in writing. They will be advised of their right to be accompanied by a work colleague or trade union representative;
- The meeting should take place within 10 working days of receiving the grievance form. Any substantial delays, and the reason for the delays, should be communicated to the employee and agreed with HR;

3. Exchange documents before the meeting

- At least 3 working days prior to the meeting, all documents/ evidence and names of witnesses should be exchanged;

4. Hold the grievance meeting

- The grievance meeting is an opportunity for the employee to re-state their grievance and how they would like it to be resolved;
- Every effort should be made to discuss the issues stated and find a solution which is acceptable for both parties;
- Usually present at the grievance meeting are the Hearing Manager, HR Officer, employee raising the grievance (and their representative if applicable) and the manager responding to the grievance.

Recommended format for a grievance meeting

- The Hearing Manager will ensure that all parties understand the process that is to be followed and have the relevant documents;
- The employee and/or their representative will present their case to the meeting calling any witnesses and referring to the documents that have already been submitted;
- The Hearing Manager followed by the HR Officer will then have the opportunity to question the employee and any witnesses;
- The manager may then respond to the grievance;
- The Hearing Manager will then ask any final questions before asking each side to sum up. Both parties will make final statements which summarise the key points of their case. The employee will sum up after the manager. It is not appropriate for new evidence to be presented at this stage;
- The Manager will then close the meeting to consider the matter, advised by the HR Officer;
- The Hearing Manager may consider postponing the decision to give more time for deliberation/clarifications however this must be done without unreasonable delay. An estimated timescale for resolution should be communicated to all parties. If it is necessary to clarify any of the evidence presented, including recalling witnesses, all parties will be recalled, even if the point of clarification only concerns one party.

5. Confirm the decision in writing

- The decision will be confirmed to the employee in writing by the Hearing Manager within 3 working days. This will

include recommendations on the way forward and details of the right to appeal.

7. Right of Appeal

An employee has the right to appeal against the outcome of the grievance meeting in accordance with the Council's Appeals Policy. The appeal must be submitted to the Head of HR and OD within 10 working days of the date of the written notification of the decision.

8. Mediation

8.1 Mediation can be used at any stage of the grievance process. It is a confidential and voluntary process and is conducted on the basis that both parties want to achieve a mutually agreeable outcome or solution. A successful mediation should leave both parties feeling that the outcome is fair, reasonable and appropriate under the circumstances.

8.2 The Council has a number of employees who are trained in mediation. In some cases it may be appropriate to use an external mediator. HR will be able to arrange this.

9. Other considerations

9.1 Overlapping Discipline and Grievance issues

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

9.2 Availability of representative

9.2.1 If the employee's chosen representative (work colleague or trade union official) is not available on the day of the meeting the employee may reasonably request that the meeting be held within 5 working days of the original meeting. However, the meeting will only be rescheduled once. If necessary, the grievance will be heard in the absence of the representative.

9.2.2 Employees and their representative are obliged to make every effort to attend the meeting. If they fail to attend without good reason, a decision based on the evidence available may be taken in the employee's absence.

10. **Policy Review and Amendment**

This policy shall be reviewed by HR after three years, or sooner in line with legislation and best practice to reflect the best possible level of support and management.

Appendix 1

FORMAL GRIEVANCE FORM

If the grievance has not been resolved informally or where the grievance is sufficiently serious to warrant formal action, you should complete this form and submit it to a HR Officer.

EMPLOYEE'S NAME:	
JOB TITLE:	
SERVICE:	

DETAILS OF GRIEVANCE:

Please complete this section, giving a summary of the grievance. You should include where appropriate:

- What the grievance is about
- Relevant dates of event(s)
- Witnesses to event(s)
- Where the event(s) took place
- Relevant background information leading up to the grievance
- Why the grievance has not been resolved at the informal stage (please state reasons)

Outcome sought:

EMPLOYEE'S SIGNATURE:

DATE:

Appendix 2 FLOWCHART – INFORMAL & FORMAL GRIEVANCE PROCESS

