

## APPENDIX 2

<b>Policy Name</b>	<b>Grievance</b>
<b>Date</b>	February 2021
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**Contents page to be added once content agreed**

### 1. Purpose & Scope

- 1.1 The council is committed to providing a harmonious workplace for all staff, where each individual is treated fairly and with respect. It is hoped that any work related disagreements will be rare and, if they do occur, they can be resolved informally. However, it is recognised that this may not always be possible. The purpose of this procedure is so that all staff know how they should raise a formal grievance if they wish to do so and with whom.
- 1.2 Employees may take out a grievance about any aspect of their employment, including:
  - terms and conditions of employment
  - health and safety
  - working relationships
  - working environment
- 1.3 This policy has been developed in accordance with the ACAS Code of Practice on Grievances and in consultation with Unison.
- 1.4 The procedure aims to help to resolve individual grievances in a manner which is as fair and timely as possible. It is the council's policy to find a solution to individual grievances as early in the procedure as possible.

- 1.5 This procedure will not cover appeals that are set out in other policies; in those cases the relevant appeal process should be followed.
- 1.6 Please note that there is a separate Bullying and Harassment Policy for complaints involving bullying and harassment and this policy should be used in conjunction with this Grievance Procedure in such cases.
- 1.7 This procedure does not form part of any individual employee's contract of employment with the council.
- 1.8 Where an employee raises a concern as a 'protected disclosure' in compliance with the public interest disclosure provisions of the 1998 Act, the matter will normally be dealt with under the council's Whistleblowing policy.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 A flowchart outlining the informal and formal grievance process can be found in Appendix 2.

## **2. General principles**

- 2.1 At any stage of the procedure, where specified people are designated to hear the grievance, appropriate substitutes may be used in cases of non-availability or where otherwise considered appropriate.
- 2.3 Where timescales are specified in the procedure, these may be varied on account of unavoidable circumstances – for example the need of the manager hearing the grievance to carry out further investigations - or by mutual consent.
- 2.4 At any stage of the procedure, the manager hearing a grievance will have the right to determine who they require, in addition to the employee who has raised the grievance, to be present for all or part of the hearing as a means of gathering all the information s/he needs to make a decision. This may include any person who is a subject of the grievance. In such cases the aggrieved employee will be notified in advance of who will be in attendance and in what capacity.
- 2.5 At any stage of the procedure, another manager or member of staff may, where required by the manager hearing the case, be present at the meeting to assist and take notes.
- 2.6 Where an employee has a disability, concern or a specific support need which makes any part of procedure more difficult the HR Officer should be advised so that additional support may be considered.

## **3. Confidentiality**

- 3.1 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).

## **4. Support**

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

## **5. Roles and responsibilities**

### **5.1 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.

### **5.2 Employees' responsibilities:**

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

### **5.3 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.

### **5.4 Role of the Representative (union or work colleague)**

- 5.4.1 At any stage of the formal procedure, the employee raising the grievance has the right to be accompanied by a trade union

representative or a work colleague. Acting as a companion is voluntary and colleagues are under no obligation to do so. If a colleague agrees to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.

5.4.2 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.

5.4.3 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.

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

## **6. Stage 1 - Informal procedure**

6.1 If an employee has a grievance relating to his/her employment, the matter should be raised initially with their manager. The grievance should be raised orally or in writing in the first instance. In the event that the grievance relates to their manager, the grievance should be referred to their Head of Service or Head of HR and OD.

6.2 The manager assigned to hear the grievance will take such steps he/she considers necessary to resolve the grievance as quickly as possible, on an informal basis.

6.3 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.

## **7. Stage 2 - Formal Procedure**

7.1 If the matter is very serious or in other circumstances where the employee does not wish to raise the matter informally or where informal action has not been successful, the employee may proceed straight to the formal stage of the procedure.

### **7.2 The employee should submit their grievance in writing**

7.2.1 The employee should complete the grievance form in Appendix 1 and send it to their HR Officer;

7.2.2 A HR Officer will allocate an appropriate manager (the Hearing Manager) who has not been involved in the case so far and has undertaken appropriate management training to hear the grievance. HR will provide support and guidance to ensure the process is followed appropriately;

7.2.3 It may be necessary to conduct an investigation into the matter before the hearing can take place. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. The employee must co-operate fully and promptly in any investigation. The investigating officer will keep the employee informed of likely timescales.

### **7.3 The employee is invited to a grievance meeting**

7.3.1 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;

7.3.2 If an employee's chosen companion is not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed;

7.3.3 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;

7.3.4 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.

#### **7.4 Documents should be exchanged before the meeting**

7.4.1 At least 3 working days prior to the meeting, all documents/ evidence and names of witnesses should be exchanged. The Hearing Manager will determine whether it is appropriate for witnesses to be called.

#### **7.5 A grievance meeting will be held**

7.5.1 The grievance meeting is an opportunity for the employee to re-state their grievance and how they would like it to be resolved and to assist the council to reach a decision based on the available evidence and the representations made.

7.5.2 Every effort should be made to discuss the issues stated and find a solution which is acceptable for both parties;

7.5.3 Usually present at the grievance meeting are the Hearing Manager, HR Officer, the employee raising the grievance (and their representative if applicable) and the manager responding to the grievance.

## **7.6 Recommended format for a grievance meeting**

- 7.6.1 The Hearing Manager will ensure that all parties understand the process that is to be followed and have the relevant documents;
- 7.6.2 The employee and/or their representative will present their case including how they would like it to be resolved, calling any witnesses and referring to the documents that have already been submitted;
- 7.6.3 The Hearing Manager may consider ending the meeting and resuming it at a later date if any new evidence arises during the meeting or statements and facts made at the meeting need investigating further;
- 7.6.4 The Hearing Manager followed by the HR Officer will have the opportunity to question the employee and any witnesses;
- 7.6.5 The manager may then respond to the grievance;
- 7.6.6 The Hearing Manager will then ask any final questions before asking each side to sum up.
- 7.6.7 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 normally appropriate for new evidence to be presented at the summing up stage;
- 7.6.8 The Hearing Manager will then close the meeting to consider the matter, advised by the HR Officer;
- 7.6.9 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.

## **7.7 The decision is confirmed in writing**

7.7.1 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. Any other parties involved in the grievance will also be appropriately informed of the outcome.

## **8. Stage 3 - Appeal**

8.1 If the grievance is not upheld and resolved to the satisfaction of the employee at the formal stage, he or she may appeal. The employee must set out the full grounds for the appeal, to the Head of Human Resources and OD in writing within ten working days from when the decision was sent or given to the employee.

8.2 The council will, as soon as possible (usually within ten working days of receipt of the written grievance), arrange an appeal hearing, which will be chaired by an appropriate member of the Leadership Team who has not been previously involved in the case and is more senior than anyone who carried out any part of the case previously. If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the council may ask the employee to choose someone else.

8.3 The person responsible for the appeal hearing will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure and any new evidence.

8.4 The decision on the appeal will be provided in writing within ten working days of the appeal hearing. Any other parties

involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final and there is no further appeal.

## **9. Mediation**

9.1 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.

9.2 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.

## **10. Overlapping Discipline and Grievance issues**

10.1 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.

## **11. Policy Review and Amendment**

11.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.

## Appendix 1

### GRIEVANCE FORM

The grievance form should be completed where an employee wishes to raise a formal grievance.

<b>EMPLOYEE'S NAME:</b>	
<b>JOB TITLE:</b>	
<b>SERVICE:</b>	

#### **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:**

<b>EMPLOYEE'S SIGNATURE:</b>	
<b>DATE:</b>	

# Appendix 2 FLOWCHART – INFORMAL & FORMAL GRIEVANCE PROCESS

