

Grievance policy & procedure

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1. Policy

1.1 Aim

The aim of the grievance policy and procedure is to promote and encourage a working environment in which Council employees feel comfortable to raise their concerns without fear of reprisal or recrimination.

It is fundamental to this procedure that no employee shall suffer any detriment as a result of raising a grievance in good faith.

The procedure provides a framework in which employees can have their concerns and grievances resolved in a fair and timely manner.

This procedure is *not* intended to deal with cases where an employee wishes to appeal against the grading of their post; this is dealt with by the Council's **job evaluation procedure**.

1.2 Scope

The policy and procedure applies to all Council employees, with the exception of:

- The Chief Executive
- The Council's Section 151 Officer and
- The Monitoring Officer

1.3 Responsibilities

Employees are responsible for:

- Attempting, where appropriate, to resolve issues informally with their manager prior to invoking the formal stages of the procedure.
- Arranging their own representation for all formal meetings under this procedure.

Line Managers are responsible for:

- Attempting to resolve issues raised informally as part of their normal management processes.
- Maintaining confidentiality throughout the process
- Acting as a role model, promoting a working culture where colleagues and managers treat each other with respect.
- Notifying the Human Resources Division upon receipt of a formal grievance.

The **Human Resources Division (HR)** is responsible for:

- Providing impartial advice and support throughout the process
- Monitoring the application of the procedure, reporting trends and non-compliance.

2. Procedure

2.1 Introduction

- 2.1.1 Grievances are defined as *concerns, problems and complaints that employees raise with their managers* (ACAS). Where an employee wishes to complain about malpractice or any other serious matters as a protected disclosure they should use the Council's **whistleblowing procedure**.
- 2.1.2 Where the employee raises a grievance against a person other than a work colleague, for example, a member of the public or an employee of a partner organisation, the grievance will be investigated in accordance with this procedure and appropriate action taken. However, the employee should be made aware of the limited remedies available to the Council.
- 2.1.3 If the substance of the grievance relates to the activities of a Trade Union official or one of its members undertaking such activities, the manager must contact the Human Resources Division before proceeding. The departmental Employee Relations Advisor will normally arrange a meeting with the relevant Branch Secretary or regional officer before any action is taken.
- 2.1.4 Where an employee alleges **bullying/harassment/victimisation** this will be investigated in accordance with the disciplinary procedure.

2.2 Collective grievance

- 2.2.1 In circumstances where a grievance applies to more than one employee, it may be appropriate to raise a collective grievance, which can be raised by the relevant Union, with the consent of the employees, using the Council's **collective disputes procedure**.

2.3 Malicious grievances

- 2.3.1 All employees have the right to bring a grievance and it is a fundamental principle of this policy that no employee shall be subject to any detriment for having raised a grievance in good faith. Where a grievance is raised maliciously, i.e. where an employee raised a grievance on grounds which they knew to have been false with the intention of harming another person, disciplinary action may be taken against the employee raising the grievance. Managers should seek advice from HR before taking any action.

2.4 Timescales

- 2.4.1 Managers must as far as is practicable, adhere to the timescales as set out in this procedure. Exceptionally where there are compelling reasons for delay at the formal stages of this procedure the manager must write to the employee concerned to advise of these reasons; informing them of any reasonably revised timescales, which must not extend any stage of the procedure by more than 10 working days.

3. Informal stage

3.1 Raising an informal grievance

- 3.1.1 Employees should attempt to resolve their grievance informally with their manager in the first instance, except where this is inappropriate having regard to the nature of the grievance.
- 3.1.2 When an employee raises an informal grievance, the line manager will meet with the employee and discuss the issue(s) raised. The manager will establish the employee's desired outcome in an attempt to resolve the issues in a way that is acceptable to the employee.
- 3.1.3 The line manager will take appropriate action to follow up and clarify facts which may include discussions with other members of staff.
- 3.1.4 The line manager will advise the employee of the outcome of the grievance in writing within 5 working days of the initial meeting.
- 3.1.5 If at this stage the employee does not feel that the matter has been resolved satisfactorily, they will be advised that they may proceed to the formal stage of the procedure.

4. Formal stage

4.1 Raising a formal grievance

- 4.1.1 Where an employee feels that their grievance has not been resolved satisfactorily at the informal stage, or where an informal approach would have been inappropriate, they may proceed to the formal stage of the procedure.
- 4.1.2 The employee should submit the reasons for their grievance in writing to their line manager, or where the line manager is the subject of the grievance, to the next line manager above. The grievance should set out the basis for the complaint or concern, along with the employee's suggested remedies for resolution. Where an employee is raising a formal grievance without having sought an informal resolution, they should also set out the reasons why an informal approach would, in their opinion, have been inappropriate.
- 4.1.3 Upon receipt of the formal grievance letter the line manager will invite the employee to a meeting to discuss their grievance. The employee will be entitled to be accompanied at the meeting by a Trade Union representative or a work colleague. This meeting shall take place within 10 working days of receiving the grievance.
- 4.1.4 The manager will investigate the grievance fully, which may include interviewing other members of staff. The employee will be invited to explain fully their complaint and suggest how they would like to see it resolved. The emphasis of the investigation will be to find ways to resolve the grievance and alleviate the employee's concerns. The line manager should check the following:
 - The exact nature of the grievance
 - Any potential witnesses
 - The desired outcome
- 4.1.5 The manager will arrange for a note-taker to take notes of the meeting, which will be given to the employee to check for accuracy and sign.
- 4.1.6 The investigating manager will also meet with any other persons they deem necessary.
- 4.1.7 The manager will advise the employee of the outcome of their grievance in writing within 5 working days of the completion of their investigation and within 20 working days of the raising of the formal grievance. The investigating manager may also wish to meet with the employee to explain verbally their decisions/outcome, particularly where they have not upheld the grievance.
- 4.1.8 Where a grievance has been raised involving work colleagues the manager may opt to offer mediation as a means to improve working relationships where all parties are willing to cooperate with this. Guidance on mediation may be sought from HR.
- 4.1.9 In the event that the manager has not responded to the grievance within 20 working days of the grievance being raised formally and the employee has not received a written explanation for any delay, it shall be open to the employee to take the grievance to the next stage (appeal).

5. Appeal/Second stage formal grievance

5.1 Lodging an appeal

- 5.1.1 If the employee is dissatisfied with the outcome of the grievance investigation at the formal stage, or if no response has been received within 20 working days, they may pursue the grievance to the next stage (appeal).
- 5.1.2 The employee must submit their notice of appeal within 10 working days of receipt of the grievance outcome letter to the Executive Director. An employee may appeal in advance of receipt of the grievance outcome letter where this has not been received within 20 working days of the grievance having been raised formally.
- 5.1.3 The employee shall specify the reasons why they wish to continue to pursue their grievance to the second stage.

5.2 The appeal hearing

- 5.2.1 The Executive Director or her/his nominee shall arrange for the grievance to be heard by a panel of two managers, at least one of whom shall not be in the management line of the employee.
- 5.2.2 A hearing shall be arranged within 20 working days of notification of the appeal, and the employee shall receive a minimum of 5 working days notice of the date of the hearing.
- 5.2.3 The following shall attend a grievance appeal hearing;
 - The panel members;
 - A Human Resources advisor to the panel;
 - The employee and her/his representative;
 - Any other employee called as a witness, who shall be present only to give their evidence;
 - Any other employee at the discretion of the panel
- 5.2.4 The panel shall determine the order of business at the hearing as appropriate to the nature of the grievance, subject to the right of the employee or her/his representative to sum up the grievance at the conclusion of the hearing.
- 5.2.5 The panel may adjourn a grievance hearing in order to obtain additional information, in which case the hearing shall be reconvened within 10 working days on a date to be agreed between the panel and the employee prior to the adjournment.
- 5.2.6 At the conclusion of the hearing the panel shall deliberate in private and shall consider all the evidence, documents and submissions. The panel may reconvene to inform the employee of their decision but this shall in any event be confirmed in writing within 10 working days of the conclusion of the hearing.
- 5.2.7 The decisions that may be arrived at by a panel are as follows;
 - That the grievance is unfounded, in which case no action shall be taken;
 - That the grievance is upheld in full or in part, in which case the panel may recommend appropriate remedial action;
 - Any other reasonable recommendation which does not impose a detriment upon the employee.

- 5.2.8 The letter notifying the outcome of the panel's decision shall confirm that this concludes the grievance procedure.

6. Details of approval and variation process

- 6.1 Where the Council wishes to amend or terminate this procedure, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the Council reserve the right to implement its proposed amendment(s)/termination by giving one months notice to employees of its proposal(s).

- 6.2 This policy is approved and signed by:

Nana Amoa-Buahin
Divisional Director Human Resources

Jon Rogers (Branch Secretary – UNISON)
On behalf of Trade Union