



Grievance Policy

GRIEVANCE POLICY

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1. Purpose

The Council is committed to maintaining good employee relations but it is understood that problems may sometimes arise concerning work issues and relationships. It is in the best interest of employees and the Council to deal with grievances or complaints constructively and quickly to maintain a harmonious and effective working environment.

We believe our staff are at the heart of this organisation to deliver the objectives of the [Corporate Plan](#) and to make Kingston better together by living our shared [STAR Values and Behaviours](#). Staff are encouraged to follow a collaborative, problem-solving approach to any workplace issue.

A grievance may arise if an employee feels s/he has suffered a disadvantage because a condition of employment or an employment policy has not been applied or has been wrongly interpreted. A complaint related to bullying and/or harassment or relating to any of the protected characteristics, will be managed under the Council's [Dignity at Work policy](#).

The Council will assume that all grievances are raised in good faith and will not penalise any employee for raising a genuine grievance even if it is not agreed. In the event that a complaint is judged to be false, frivolous, or malicious, the employee raising the grievance may be subject to disciplinary action.

In addition, it is recognised that there will be some issues which are not resolved through informal means and this policy provides a clear formal route to enable employees to pursue matters further if necessary. An employee can at any stage withdraw their grievance.

2. Aims

- To provide a transparent framework to deal with employee grievances
- To quickly resolve employee disputes and complaints within 10 working days for informal action and no more than 3 months for highly complex, formal cases. Complex cases would normally involve more than one issue. Written justification will need to be sent to the employee and their representative if the expected time frame of 10 days is not going to be met.
- To give the opportunity for the employee(s) and employer to agree resolution

3. Scope

This policy covers all staff but does **not apply** to the following staff as they are covered by alternative policies or procedures :-

- Agency workers (details are in the Key Information Document (KID) supplied by the agency which describes their process)
- Employees in locally managed schools (unless not covered by local policy)

This policy will apply to all matters within the normal employer/employee relationship **excluding**:

- Determination of pay and grading as these are covered by other procedures in the relevant conditions of service; see the [Pay and Rewards Strategy](#).

- The Organisational Change policy (including redundancy, TUPE, assimilation and redeployment) which has an integrated appeal or consultation arrangement;
- Other employment policies and procedures where separate appeal arrangements apply, such as [Disciplinary](#), [Capability](#), [Dignity at Work](#), Recruitment and Selection, [Managing Health and Attendance](#), Probation
- Matters outside the control of the Council (e.g. certain aspects of national conditions of service, e.g. pensions, tax, statutory sick pay).
- Collective disputes which are more appropriately handled between the Council and the recognised trade unions;
- Concerns about professional misconduct by a member of staff e.g. misuse of public funds, abuse of clients or customers or any wrong-doing which must be reported in the public's interest, are dealt with under the Whistleblowing policy.

Employees cannot use the framework outlined in this policy to restart proceedings but are instead expected to pursue the appeal process.

If an employee raises a grievance during a disciplinary process the disciplinary may be temporarily suspended however it will be more usual, especially where the grievance and disciplinary cases are related, to deal with both issues concurrently.

If a grievance is raised during the notice period it will be dealt with according to this policy.

Agency Workers must raise their complaint to their employer (agency) and the agency will have their own complaints process which will apply. The agency will work in conjunction with the employing organisation to resolve any issues.

4. Responsibilities

Employees are expected to :

- Raise any complaint within 4 weeks of the trigger event, of the issue occurring (with any historical issues treated as context)
- Raise the complaint with their manager in the first instance before escalating to HR
- Make every effort to resolve their grievance at the earliest stage with line manager or other appropriate manager
- Maintain confidentiality throughout the process
- Co-operate fully with any investigation
- Have realistic expectations in terms of what can or cannot be achieved by raising a grievance

Managers are expected to :

- Aim to resolve complaints informally at the earliest stages without HR involvement within 10 working days of becoming aware of the issue or complaint
- When notified of a concern or complaint to speak to the employee before escalation to HR
- Be fair and equitable in their dealings with staff
- Meet the employee as soon as practical after the grievance is submitted to discuss the issue(s)
- Contact HR at the formal stage of a grievance
- Conduct a fair and objective process
- Inform HR, their Head of Service and Director, that an employee has raised a grievance
- Keep accurate records of the process including all letters

HR

- Provide advice on the implementation of this policy
- Work collaboratively with managers and staff representatives to resolve grievances
- To notify the relevant Head of Service if an employee notifies HR of a complaint
- Facilitate informal meetings in exceptional circumstances
- Record and monitor employee grievances
- Have involvement at stage 3 of the Grievance policy (appeal meeting)

Unions

- Provide support and advice to their members on the implementation of this policy
- Work in partnership with managers and HR to explore resolution to grievances
- Be open and honest with their members in terms of what can realistically be achieved
- Accompany staff member (if a staff member requires extra support) in helping the process and resolving the issues/concerns at the earliest stages

5. Principles

The principles of this policy are that:

- Employees should raise their grievance as soon as practicably possible after the event(s) they are complaining about i.e. within 4 weeks of the occurrence or becoming aware of the matter. Historical concerns will add context to the more recent issues.
- Employees and managers will act in good faith with the aim of resolving the complaint.
- At any stage in the framework, subject to the agreement of all parties concerned, there may be a suspension in proceedings for example to facilitate mediation, fact-finding or other non-adversarial discussions with the aim of promoting resolution of the complaint.

6. Framework: Grievance procedure

Use of Virtual Meetings: In some circumstances it may be beneficial to consider holding meetings virtually using video software, rather than meeting face to face. It is permissible to hold such meetings under this policy provided that adequate preparation has taken place, please follow the [Virtual Meeting Guidance](#). The manager must be sure that:

- o All relevant meeting attendees have access to the necessary hardware and software
- o All are able to host the meeting in a quiet, confidential space It is possible for the employee to be accompanied, where applicable
- o It is possible to fairly assess information shared at the meeting
- o All relevant papers have been shared with all attendees prior to the meeting
- o It is advisable to test connections 5-10 minutes prior to the meeting starting
- o Space and time must be allowed for the employee to consult with a representative and for a manager to consult with an advisor.
- o A protocol for the virtual meeting must be circulated and agreed in advance
- o At the meeting the manager must ask if there are any other third parties within the room that are not in view
- o A short break can be agreed for the individuals to call each other, and/or an adjournment can be arranged

All virtual meetings will be arranged by the appropriate manager and carried out in the same

manner as face to face meetings, including all letters of invitation and the meeting agenda. A note-taker will be arranged by the Grievance meeting manager.

For all meetings the manager should allow for the employee to bring their own interpreter if the employee has difficulty speaking English. The interpreter must not be a legal representative.

Stage 1: Informal Resolution Meeting

In the first instance an employee should **discuss** the grievance with their immediate manager on a one-to-one basis. If the grievance relates to the immediate manager then the employee should raise the issue informally with the next more senior line manager and/or seek advice from their union. The grievance can be received in any format, e.g. an email or verbally and the manager will ask the employee what they would like to see in terms of resolving the complaint.

The manager will wherever possible respond to the grievance at the time. It may be appropriate to carry out an informal investigation before proposing a resolution. It is recognised that formal processes do not always resolve issues, and alternative dispute resolution such as mediation, coaching and training can assist staff in empowering them to understand their approaches to conflict.

The manager must tell the employee that they can expect a written response within 10 working days and this response will be issued on email or in a letter. Also the manager should advise the employee if there are any reasons for delay and when they will be informed of the outcome.

Once an outcome is reached this should be discussed with the individual, and then confirmed in writing to the employee with a copy placed on their personal file. It may not always be possible to achieve the desired resolution identified by the individual raising the issue or concern. If this is the case this should be fed back with the relevant rationale and the alternative outcome explained. The range of possible outcomes is set out in [Table 2](#).

Stage 2: Formal Grievance Meeting

If the employee does not receive any communication from the manager after the agreed timescale in Stage 1, they can go to Stage 2 and register a Formal Grievance (see [Appendix 1](#)) within 10 working days.

Similarly, if the employee considers that their grievance has not been resolved at Stage 1 Informal Resolution, they can register a formal grievance. For example, the employee feels that all information relating to the grievance has not been duly considered, or that new information has come to light in support of their complaint. If the complaint is serious, and the range of issues are numerous, consideration should be given as to whether the complaint should commence at the formal stage of the policy.

The employee will need to submit the reason for their grievance by completing the [Grievance form](#) attached to this policy within 10 working days of either receiving a response under Stage 1 or when the agreed timescale for receiving a response has lapsed. The employee should send the completed and signed grievance form to their manager or to the

next level of management (when the employee's grievance is about the actions of their manager).

A nominated senior manager i.e. Grievance Manager, will invite the employee to attend a formal meeting to try and resolve the grievance within 10 working days of having received the form. The purpose of the meeting will be to:

- allow the employee to present their grievance;
- allow other relevant parties involved in the grievance to make representations;
- allow the Grievance Manager to gain a comprehensive understanding of the facts; and
- determine what action, if any, should be taken.

If an employee's chosen companion is not available at the proposed time the meeting will be postponed provided that the alternative time is both reasonable and not more than five working days after the original meeting date. A minute taker must attend the meeting so that an accurate record can be made available and the minute taker must be resourced by the business area.

Where an employee is absent due to sickness, they should confirm whether or not the reasons for their absence prevent them from attending a meeting. They should confirm whether they are well enough to be able to attend a meeting. If the employee can't attend the meeting within 10 working days due to sickness, the employee may be asked if they wish to submit a written statement and the meeting can take place without them. Every effort should be made by the employee and management to resolve the grievance as quickly as possible.

The Grievance Manager will normally inform the employee of the decision made on the grievance at the end of the meeting. In some cases an adjournment will be necessary to consider the case or to check facts. After the meeting the employee will be informed in writing within 10 working days of the Grievance Manager's decision on the grievance. The letter will inform the employee of the action the manager proposes to take in response to the grievance or that no action can be taken. The employee will be informed of the right of appeal which must be submitted within 10 working days. The employee should discuss the proposed outcome with their line manager and / or union representative where appropriate and [Table 2](#) sets out a range of possible outcomes.

A record of all meetings must be kept. These records must be kept in accordance with the [Data Protection Act 2018](#).

Stage 3 Appeal Meeting

If an employee is dissatisfied with the response arising from Stage 2, they can lodge an appeal to the Assistant Director, OD and People, within 10 working days of receiving confirmation of the decision. The reason must be presented in writing stating whether they are alleging an abuse of process and/or perverse recommendations, together with all the relevant documentation including the managers' response at Stages 1 and 2.

A grievance appeal will be heard by an officer more senior than the Grievance Manager who gave the Stage 2 decision and who has no prior involvement. They will be assisted by an HR Specialist. A meeting will be arranged with all parties to try and resolve the appeal within 10 working days of receipt of the referral. Table 2 sets out a range of possible outcomes.

7. Timescales

Timescales set out in this framework will be followed as far as possible. Timescales may be extended, with the mutual agreement of the employee and manager, by up to 10 calendar days. In this case the employee must be informed and given the reason for the extension by email.

8. Trade Union Representation or Work Colleague as companion

Whilst the approach is to resolve issues informally at Stage 1, at times it may be helpful to involve the HR representative and the individual's trade union representative or a work colleague who has had no prior interest in the matter.

An employee who raises a grievance has a right to be accompanied at any meeting held to gather facts, discuss, or resolve their grievance and this includes investigation meetings. The companion can be an accredited trade union representative or a work colleague. However, any other employee who is interviewed as part of an investigation into a grievance, does not have a right to be accompanied at the investigation meeting but may wish to put a request to the hearing manager to bring a colleague for support.

Where such parties are to be invited to participate at the informal stage it should be with the agreement of all parties.

The Trade Union representative or work colleague can address the meeting to present and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the worker's behalf or address the meeting if the worker does not wish it, or prevent the employer from explaining their case.

9. Investigation

There must be an investigative process prior to stage 2 under this policy. Please refer to the following guidance [ACAS Conducting Workplace Investigations](#) for impartial guidance on conducting workplace investigations.

The emphasis should be on speedy examination and resolution of the issues, ideally within 2 months of receipt of the original complaint. At Stage 1, the line or investigating manager will collate the necessary information. At Stages 2 or 3, particularly in complex cases, the investigation may be delegated to another manager. It is the responsibility of the service area to provide a suitable, unbiased investigation manager to conduct their investigations and they may wish to choose a manager from a different directorate for a more independent examination of the facts.

The purpose of the investigation is to establish the facts: both those that support the grievance and those that do not. Managers conducting investigations must respect confidentiality and avoid unnecessary delay. They have a duty to keep an entirely open mind and act fairly on the basis of the evidence and decide whether there is a case to answer. The investigation will not determine any outcomes. The investigation and process must accord with the [STAR Values and Behaviours](#), with attention given to being supportive of efforts to address issues, establishing whether there is a case to answer and being respectful of individual differences.

10. Witnesses

Employees have the right to call witnesses in support of their grievance and are personally responsible for arranging these. The Grievance Manager must be notified of any witnesses attending on behalf of the employee at least 5 working days before the grievance meeting or appeal meeting.

11. Collective Grievances

Where more than one individual has lodged the same complaint a HR Specialist will discuss with the group how they wish to present the information. In many cases it will be appropriate for the group to nominate one or more individuals to represent the group. It might be necessary to interview all claimants in order to have a fair and balanced investigation.

Individuals within the group have the right to pursue their complaint whether or not other members of the group withdraw at any particular stage and an investigation will proceed.

12. Grievances about Other Employees

Complaints related to bullying and harassment are managed under the [Dignity at Work](#) policy and this policy should also be considered as a framework to dealing with staff complaints. If there are wider issues however, the Grievance policy may be more appropriate.

If the grievance concerns a colleague, that individual will be informed of any complaint made against them. The individual will be given a summary of the complaint and informed that it is being investigated, they will have the chance to give their version of events and provide any appropriate documentary evidence. They will also be entitled to have information about the outcome in writing.

The employee will be asked at the start of the process what their preferred resolution would be. It should be noted that an employee will not be permitted to recommend disciplinary action, including dismissal, to be taken against another employee as the resolution to their grievance. The grievance process will determine whether the Disciplinary policy should be invoked and any disciplinary action taken.

13. Counter Claims

If there are counter-claims which are a response to the original grievance, they will be dealt with together in the same investigation. All grievances will be impartially investigated by managers sourced by the business area.

14. Conduct of Meetings and Appeals

TABLE 1

Grievance Meeting: Non Adversarial and Problem Solving Approach
Employee Complaint <ul style="list-style-type: none">• The employee or their representative may elaborate on their written submission and may call witnesses. They will explain how they would like the problem to be resolved.• The Investigating Officer or “Presenting Manager” may question the employee and any witnesses that the employee has called.
Manager’s Response <ul style="list-style-type: none">• The Presenting Manager may elaborate on their written submission and may call witnesses. They will explain how they see the problem could be resolved.• The employee or their representative may question the presenting manager and any witnesses s/he has called.
Grievance Manager <p>May ask questions or seek clarification at any time during the proceedings.</p> <p>The Grievance Manager may:</p> <ul style="list-style-type: none">• stop and/or redirect any participant if at any time s/he believes that witnesses testimony or evidence being produced is irrelevant to the matter under consideration;• call for any additional information/ evidence to be provided, and/or witnesses to attend if deemed necessary to establish the facts;• adjourn the meeting where appropriate. The parties will be given reasonable notice of the date of the reconvened meeting.
Closing Statements <ul style="list-style-type: none">• The Presenting Manager, followed by the employee or the employee’s representative may make final statements in summary to the Grievance Manager but without including any new material.• Before the meeting comes to a close, the Grievance Manager should give a brief summary of the key points that s/he will be considering in deliberating their decision
Decision <ul style="list-style-type: none">• The Grievance Manager will consider the case in private and may recall the employee and their representative and the presenting officer to clarify points on evidence already given. If recall is necessary both parties will return.• The decision will be given personally if practical to do so. The decision and rationale for it will be confirmed in writing within 10 working days of the meeting to the employee.

15. Grievance and Disciplinary

A grievance registered during disciplinary proceedings will not normally suspend disciplinary proceedings. Where the grievance relates to the disciplinary allegation it will be investigated as part of the disciplinary investigation. Where the grievance is about an unrelated matter a separate investigation will be conducted in parallel with the disciplinary proceedings.

16. Police Involvement

Where the allegations in the complaint involve actions which may be considered to be a criminal offence the Council may contact the Police. It may also be necessary to contact the Internal Audit and Investigations Service (IAIS) who provide the internal audit and investigations functions. The internal investigation and outcome can be completed before the outcome of any criminal case.

17. Support

The Council provides a confidential external counselling service for its employees. This service offers 24-hour telephone support and face-to-face counselling sessions and can be contacted on free phone: 0800 243 458, Email : assistance@workplaceoptions.com
SMS text (for call back): 07909 341229

Minicom (for those with hearing or speech difficulties): 020 8987 6574

The login is RBK and the password is Employee

18. Records

Managers must make and retain a written record of all formal and informal discussions and action taken at each stage of the framework. The written records should be retained on the employee's personal file. The written records should state: the nature of the grievance; what was decided and actions taken; the reason for the actions; whether an appeal was lodged; the outcome of the appeal and any subsequent developments.

19. Possible Outcomes

The aim is to resolve problems, not allocate blame. However, cases are bound to arise where resolution to everyone's satisfaction is not feasible. Outcomes will vary according to the seriousness of the complaint. There can be an informal resolution to the problem. In other cases, a disciplinary investigation may be advised. The Table below gives a possible range of outcomes.

TABLE 2

Decision	Remedy
Grievance not upheld (agreed)	No further action
Grievance upheld (agreed)	Informal resolution may be required: <ul style="list-style-type: none">• Counselling• Mediation• Coaching• Mentoring Management action: <ul style="list-style-type: none">• Change(s) in working practice• Issuing or clarifying guidance in relation to working practices, policies or procedures

	<ul style="list-style-type: none"> • Provision of training or other support for the complainant or other employees • A written apology from the identified person/s where responsibility for a particular situation can be clearly established; • Instigation of the Disciplinary policy against another employee where responsibility for a particular situation can be clearly established
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Reference Documents

ACAS Code of Practice on disciplinary and grievance procedures, 11 March 2015
RBK Dignity at Work Policy

Appendix 1 Template Formal Grievance form

In order to raise a formal grievance, the employee should complete this form and send it with any supporting documents to their line manager (or their line manager's manager if the complaint is against their line manager). This form must be submitted within 4 weeks of the incident they are complaining about.

1. Grievance Form	
Mr/Ms/Mrs.....First Name.....Surname.....	
Department & Directorate:	
Job Title	
Email address:	Tel. No.
Disability: Yes / No (circle as appropriate). Please include any details of any reasonable adjustments you think you may require during the grievance process. You may wish to bring a support worker who may attend in a support capacity but not as a representative.	
Details of Grievance	
Please give a summary of the facts of the grievance along with the dates and times of any incidents	
Details of any witnesses:	
Details of any supporting evidence i.e. documentation	

Details of what efforts you and others have made to resolve the complaint

The reason(s) why you remain dissatisfied with the outcome of Stage 1 Informal Resolution.
Please attach a copy of your manager's response.

Details of what resolution/outcome you would like to redress your grievance.

Details of who will accompany you to the grievance meeting.

Please retain a copy and forward this to your line manager or to the next level of management.

Appendix 2 Template Outcome of Stage 1 Resolution Meeting

Dear

Thank you for bringing to my attention your complaint under the Informal Stage 1 of the Grievance policy. I write to summarise our discussion held on **(insert date and whether this was during a 1 to 1 or a requested meeting by the person)** and my decision.

You raised the following issues:{list them in bullet points}.

- Xxxxx
- Yyyy

Also you felt that these could be adequately addressed by: (what resolution does the individual seek). After careful consideration of the issues you raised I have decided that your grievance has

Either

Been agreed.. In reaching my decision, I have taken into account **(give reasons for upholding the grievance)**.

(Give details of any actions which will now be taken to remedy the situation and a reasonable timeframe for its completion)

Or

Not been agreed.. In reaching my decision, I have taken into account **(give reasons for not upholding the grievance)**

I am satisfied that no further action is required.

In line with the Council's Grievance Policy (see attached) you have a right to register a Formal Grievance (Appendix 1) with HR within 10 working days of receipt of this letter.

Yours sincerely,

Appendix 3 - Template Invite to Formal Grievance Meeting

MODEL LETTER 1

Invite to Formal Grievance Meeting

Grievance Procedure

Stage 2 : Formal Grievance Meeting

STRICTLY CONFIDENTIAL

Dear (name)

Re: Grievance Policy Invite to Formal Grievance Meeting

Thank you for your completed Grievance Form and supporting documentation.

I would like to invite you to a meeting to discuss your grievance on xxx (insert date) at xxx (insert location and time). If you are attending virtually rather than in person please confirm to me at least 2 working days in advance. The meeting will be held in accordance with the Council's Grievance policy, a copy of which is attached, and which will provide you with all necessary details on the process (see section 6).

You are encouraged to bring a work colleague or trade union representative to the meeting. Should you or your representative have a disability and require any reasonable adjustments for the meeting, please advise me as soon as possible, so that I can make the necessary arrangements. However, if you are unable to attend, you can ask your representative to attend on your behalf. Alternatively you may submit a written statement for consideration at the meeting.

If you or your chosen companion is not available at the proposed time the meeting will be postponed provided that the alternative time is both reasonable and not more than five working days after the original meeting date.

If you or your representative fails to notify us about your inability to attend or fails to arrange an alternative date, or provide a written statement, your case will be considered and conclusions may be reached on the information available.

Please inform me if you wish to bring witnesses to the meeting.

Should you feel the need for additional support, may I remind you that the Council has a support and counselling programme, WorkPlace Options, who can be contacted 24/7 in confidence. Telephone: 0800 243 458. Email: assistance@workplaceoptions.com.

I look forward to seeing you on xxx (insert date) at xxx (insert date). In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely

(insert name of Manager)

(insert post title)

cc. HR Representative / Trade Union Representative

Appendix 4 Template Outcome of Grievance Meeting

MODEL LETTER 2

Outcome of Grievance Meeting

Grievance Procedure

Stage 2 : Outcome of Grievance Meeting

STRICTLY CONFIDENTIAL

Dear (name)

**Re: Grievance Policy
Outcome of Grievance Meeting**

Info - This letter must be sent within 10 working days of the decision being reached.

I'm writing to confirm the outcome of the meeting held on xxx (insert meeting date) to discuss your grievance raised in accordance with the Council's Grievance Procedure. Thank you for attending the meeting (via video / in person) with your representative (name) to discuss the range of issues / your complaint.

Delete as appropriate

Having carefully considered all the evidence:

1. The grievance is agreed* and the following remedies are recommended: xxx (insert details)
2. The grievance is partly agreed, insofar as (insert details) and the recommended remedy in respect of that part of the complaint is as follows (insert details). The remaining part of your grievance, related to xxx (insert details) will not be considered any further.
3. The grievance is not agreed.

** May support the case for further examination under a formal disciplinary meeting (delete as appropriate).*

(add explanation/justification for the outcome decision)

(For outcomes 2 and 3 above, insert the paragraph below). For outcome 1, delete the paragraph below).

In line with the Council's Grievance Procedure, please note that you have a right to appeal this decision. Should you wish to exercise this right, please submit a written appeal to the Assistant Director, OD and People (insert email), within 10 working days of receiving confirmation of the decision.

Finally, should you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely xxxx

(insert name of Grievance Manager)
Cc. HR Representative
Trade Union representative