

Grievance Resolution Policy

1. Purpose of the policy

- 1.1 The Council of the London Borough of Barnet recognises that there may be occasions where an employee feels it is necessary to raise a grievance. In many cases, informal discussion can satisfactorily resolve questions or problems. Wherever possible, employees should first seek to raise the matter informally with their manager.
- 1.2 The Grievance Resolution Policy and Procedure aim to provide guidance to employees and managers dealing with a grievance and to promote fairness and consistency in the management of the grievance resolution process.

2. Scope

- 2.1 This Policy applies to all Council employees. It does not apply to agency workers, contractors, or consultants.
- 2.2 For newly appointed employees who are in their probationary period, this Policy should be read in conjunction with the Council's Staff Induction and Probationary Policy.
- 2.3 This Policy does not apply to employees working in schools under the direction of a Governing Body. The Council recommends Governing Bodies in community schools within the London Borough of Barnet to adopt the principles of the Policy while adapting the process to suit local structures and requirements.
- 2.4 The Chief Executive Officer/Head of the Paid Service of the Council is not entitled to raise grievances under this policy; they should raise any concerns with the Leader of the Council.
- 2.5 Directors and other officers who report directly to the Chief Executive Officer may raise informal grievances with them as their line manager. If they wish to proceed to the formal stage of the Grievance Resolution Procedure, they should contact the Assistant Director of HR who will make appropriate arrangements to ensure the grievance and any relevant investigation will be managed in a manner that is sensitive and unbiased.

3. Definition of a grievance

- 3.1 A grievance is a concern, problem, or complaint that an employee raises with the Council about one or more issues connected to their employment.

- 3.2 Employees who wish to raise concerns about matters that do not directly affect their employment relationship with the Council should consider the nature of the issue[s] and raise them under a process that is relevant to the nature of the circumstances (e.g. health and safety, whistleblowing, safeguarding). Employees should consider contacting HR and/or trade union representatives for confidential advice on the appropriate channels for raising an issue.

4. References

- 4.1 The following Policies may be associated with issues surrounding a grievance. Employees should note that this is an indicative list and should check with their line manager or HR in case of any doubt.
- Dignity at Work Policy Statement
 - Disciplinary Policy and Procedure
 - Managing Absence Policy and Procedure
 - Recruitment and Selection Policy
 - Policies related to the management of organisational change, redundancy, and redeployment
 - Flexible Working Policy
 - Whistleblowing Policy

5. General Principles

- 5.1 Many potential grievance issues can be resolved informally, and managers and employees should always look to resolve grievance issues informally and quickly in the workplace.
- 5.2 A copy of the Grievance Resolution Policy and Procedure is available on the Council intranet. Managers will provide employees with printed copies on request and will give a copy to any employee who raises a grievance. Any schools which choose to adopt this policy should make appropriate local arrangements to ensure that their staff can access it.
- 5.3 The Council realises that each individual grievance case will be fact-sensitive and likely differ from other cases and believes that the initial informal grievance resolution procedure should be implemented speedily whilst always maintaining confidentiality and keeping relevant parties informed of what is going to happen.
- 5.4 The Council will endeavour to consider formal grievances without undue delay. However, it also appreciates that serious and/or complex concerns will sometimes require in-depth investigation. Where a formal investigation has been commissioned, the manager overseeing a formal grievance process will regularly (normally at least every two weeks) update the

employee who has raised the grievance on the progress of the case and likely timelines involved.

- 5.5 The principles of this Policy will apply to all grievance cases within the Council. However, employees, managers, and trade union representatives should remember that the Grievance Resolution Procedure contains steps which may not be relevant to some cases (e.g. on investigations). Similarly, the circumstances of a case may result in some adjustment being made to the application of certain steps (e.g. while two employees raising a collective grievance can directly participate in the relevant meetings/hearings, a group of fifty employees raising a collective grievance may be asked to nominate representatives to participate in relevant discussions).
- 5.6 The Council appreciates that formal grievance procedures can be a stressful and upsetting experience for everyone involved in the process and is committed to ensuring that participants are treated calmly and with respect. Abusive or insulting behaviour from anyone taking part in or conducting grievance procedures will not be tolerated and may be treated as misconduct in accordance with the Council's Disciplinary Policy and Procedure.
- 5.7 Where allegations are made against employees in relation to Safeguarding, Children and/or Young People and Vulnerable Adults, the manager overseeing the process should consider liaising, as appropriate, with the Director of Children's Services, Director of Family Services, the Local Authority Designated Officer (LADO), Safeguarding Board[s], and/or the Police. HR will also be able to provide relevant advice and assist in identifying the relevant departments or authorities. A similar approach will be taken in respect of concerns related to any other type of activity that is regulated by external bodies and/or has material public interest implications (e.g. in the case of allegations of fraud or financial irregularity).
- 5.8 Employees have a right of appeal against the outcome of the formal grievance resolution process. However, grievance resolution appeals are not structured to provide a facility for cases to be reassessed from scratch. Accordingly, appeals must be made on specific grounds, as set out within the Grievance Resolution Procedure.

6. Collective Grievances

- 6.1 A group of [two or more] employees wishing to raise a grievance about the same issue[s] may raise a collective grievance.
- 6.2 It is important to note that collective grievances do not apply to issues relating to restructuring proposals, terms and conditions of employment, or other matters that are subject to collective

negotiation or consultation with trade unions. Such issues will be managed under the relevant collective negotiation and/or dispute resolution arrangements.

- 6.3 The Council will manage collective grievances in accordance with the general principles of this Policy and Procedure, taking into consideration the relevant context and practicalities of each case.
- 6.4 Managers who receive a collective grievance may determine that the issues that have been raised can be addressed more effectively if they are raised as individual grievances (e.g. where a collective grievance has been raised by a group of employees but some of the issues only affect one individual within the group) or as a collective dispute (i.e. matters which are subject to collective consultation/negotiation).
- 6.5 When a manager receiving a collective grievance determines that it should be addressed as individual grievances or as a collective dispute, they will write to the aggrieved employees to provide them with a brief explanation for their decision, clarifying that it has been made in order to ensure that the matter is appropriately addressed, and suggesting that they raise the issue[s] using the relevant procedure.

7. Meetings and hearings

- 7.1 Any references to 'meetings' or 'hearings' within this Policy and Procedure will be applicable to discussions held in a defined physical location (normally on Council premises) and those held remotely through use of teleconferencing/videoconferencing facilities.
- 7.2 Employees are entitled to bring a companion or trade union representative to meetings held under this Policy and Procedure. The Council is nonetheless keen to ensure that informal meetings (e.g. related to initial fact-finding around the substance of a grievance) are held in a manner that is as timely and as informal as possible. Consequently, managers and employees are encouraged to hold informal meetings on an one-to-one basis between the aggrieved employee and the manager overseeing the grievance. Unless exceptional circumstances apply, managers should refrain from requesting the presence of a HR representative in an informal meeting. More details can be found in the Grievance Resolution Procedure.

8. Mediation

- 8.1 The Council intends to resolve grievances swiftly. Whether the employee raises a grievance informally or formally, it may be appropriate for the matter to be dealt with through mediation. This may involve the appointment of a third-party mediator or someone independent to the situation, who will discuss the issues raised by the employee's grievance with all of those

involved and seek to facilitate a resolution. Mediation can only be used with the agreement of all parties involved in the grievance- parties should openly discuss any reservations or concerns around the process and/or individual[s] involved.

9. The role of HR

- 9.1 HR will advise managers on the fair and consistent application of this Policy and provide guidance on resolving employee grievances. HR will also participate in formal grievance meetings where appropriate.

10. Training

- 10.1 The Council is committed to providing appropriate training and development for those involved in any aspect of a grievance who are required to consider and wherever possible resolve employee grievances.

11. The role of Managers

- 11.1 Managers will participate in training workshops when required. Newly-appointed managers are expected to familiarise themselves with the Grievance Resolution Policy and Procedure, and seek HR advice if they require additional clarification or support.
- 11.2 Managers will ensure employees have access to the Grievance Resolution Policy and Procedure and that grievances are dealt with in a manner which is fair, sensitive, and timely. Managers who oversee the grievance resolution process will be responsible for issuing relevant correspondence to the parties involved.

12. Equality Statement

- 12.1 In applying this policy, the Council will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, gender reassignment, marriage and civil partnership (in employment only), pregnancy and maternity, race, religion or belief, and sexual orientation. In addition, the Council will ensure that employees and job applicants are not unreasonably discriminated against on the basis of other characteristics including socio-economic status, offending background, political affiliation and trade union membership. An Equality Impact Assessment is used for all policies and procedures.