

Grievance Procedure

1. Who does this policy apply to?

- 1.1 This policy applies to all current employees of the Council except those who are employed under the JNC terms and conditions for Chief Executives.
- 1.2 The Council shall have the discretion to consolidate this policy as it sees fit for employees who have ceased employment with the Council during the course of a grievance or raise a grievance after employment has ended.

2. What is the purpose of this policy?

- 2.1 The grievance policy provides employees with a framework within which to raise a complaint i.e., a grievance and sets out the process to be followed by the Council when a grievance has been raised.

3. What can I raise a grievance about?

- 3.1 It would be impossible to list everything that a grievance could be about, so it is important for employees to understand what the Council will *not* consider a grievance. The Council will not consider a complaint to be a grievance to be dealt with under this procedure if a separate procedure already exists to deal with that matter, such as:

- Appeals against salary or pay grades
 - Appeals against the issue of disciplinary warnings
 - Appeals against selection for redundancy
 - Appeals against performance management
 - Appeals against capability, sickness absence or disability procedures
 - Termination of employment by the Authority
 - Requests for flexible working
 - National conditions of service
 - A statutory requirement
 - A collective agreement
 - Council Policy
 - A grievance dealt with within this procedure within the last 24 months where there has been no change in circumstances.
- } other than the exercise and interpretation of these matters

4. What roles do the employee, management, the Council and HR play in this policy?

3.1 Employee Responsibilities

- To satisfy themselves that the complaint they intend to raise cannot be dealt with by an existing related procedure.
- To raise issues informally as soon as they arise.
- To co-operate fully with the procedure and to provide as much supporting information as possible; any evidence an employee intends to rely on must be provided by them.
- When raising a grievance, to include a proposed resolution to the complaint.

- ❑ Not to raise grievances maliciously or in a dishonest manner (if the investigation/grievance manager has any concerns in this regard, the matter can be referred for disciplinary action).
- ❑ To avoid taking industrial action in relation to a grievance before the final outcome has been provided.

3.2 Management Responsibilities

- ❑ Managers will conduct the management of grievance procedures sensitively and with respect for confidentiality where possible.
- ❑ Issues should be investigated as quickly as possible, and a response provided to the employee without undue delay.
- ❑ Keep employees up to date with progress on their grievance(s).

3.3 Council Responsibilities

- ❑ To ensure there is a consistent, supportive, and fair approach to dealing with grievances in line with legislative guidelines and best practice.
- ❑ The Council will at all times be aware of its legislative responsibilities.

3.4 HR responsibilities

- ❑ To support each service with selecting the appropriate level of line management who will be responsible for investigating and responding to a grievance.
- ❑ To support investigation and grievance managers by providing advice and guidance on policy.

Grievance Procedure

Informal Stage

4.1 It is expected that employees will try to raise grievances informally with their line manager before proceeding to the formal procedure.

4.2 In limited circumstances this initial, informal discussion may be with the next level of management. For example, in the absence of the employee's line manager or where their line manager is the subject of the grievance and, for this reason, the employee does not wish to discuss the grievance with them.

4.3 Managers and employees are encouraged to have an informal discussion as soon as possible. The manager's response may be given verbally but the manager will make a record of their response and any action that is agreed so there is a footprint to show that both parties have attempted informal resolution. Employees are also encouraged to take notes during meetings.

4.4 If the employee remains aggrieved, or the issue complained of is so serious that the informal stage of the grievance procedure is not appropriate, the grievance can progress to the formal stage of the procedure.

Mediation

5.1 Mediation is a useful tool to help resolve grievances. Mediation is a voluntary process where the mediator helps parties in dispute to attempt to reach an agreement. The role of the mediator is not to make decisions or judgments in relation to the grievance, but to facilitate the procedure to enable those involved to reach an acceptable outcome. During either stage of the procedure, a manager may decide that it is appropriate to appoint a mediator to help resolve the grievance.

Formal Stage

6.1 If attempts at informal resolution have been unsuccessful, or the matter was too serious to warrant informal resolution, an employee should first raise it formally, in writing, with their immediate line manager/supervisor clearly indicating that they are submitting a formal grievance. Grievances may also be submitted by an employee's representative.

- 6.2 The employee should provide sufficient detail of their complaint, provide any supporting evidence, and also indicate how they consider their complaint can be resolved. Although there is no guarantee that the matter will be resolved in the way they suggest, this gives managers an indication of the aggrieved employee's desired outcome.
- 6.3 Should the employee who raised the grievance subsequently go off sick at any point during the formal stage, and be unwilling to co-operate with the process, then the employee's Trade Union or other representative may be requested to act on their behalf to prevent unnecessary delay in resolving the grievance.
- 6.4 Once a grievance has been received, the line manager receiving this should advise HR, who will (if appropriate in the circumstances) appoint an investigation officer and grievance manager. Who is appointed to these roles will depend upon the severity of the complaint, and the seniority of the employee raising the complaint. Typically, the investigation officer will be at the same level as the employee's or subject of the grievance's (whoever's grade is higher) line manager, and the grievance manager will be at the same level as the investigation officer's line manager. If the Chief Officer is appointed as the grievance manager, they will always be able to delegate that authority to a suitable senior manager of their choosing.
- 6.5 Where an investigation officer is appointed, it will *always* be necessary for them to investigate the grievance, meet with the employee and review any associated evidence provided by the employee. The investigation may be straightforward, or it may entail speaking with a number of different employees. An investigation report will be prepared to assist the grievance manager when they are evaluating the most appropriate outcome to the grievance.
- 6.6 Although a meeting between the grievance manager and the employee, who has raised the grievance, may not always be necessary to consider the grievance and provide an appropriate response, the manager should assess whether a meeting with the employee would help clarify any specific points.
- 6.7 If the grievance manager does not consider it necessary for a meeting to be arranged, possibly because the matter is very straightforward and can be immediately resolved, or because an investigation officer has been appointed and their report is very clear, the manager should ensure that they provide the employee with a written response to the grievance without delay and always within 10 working days of receiving the grievance.
- 6.8 If a meeting is required, an employee will be given reasonable notice of the meeting in writing. An employee can be accompanied to the meeting by a trade union official or a work colleague. The purpose of the meeting is for the investigation officer or grievance manager to ensure that they fully understand the complaint and hold all of the relevant evidence. It is important that the employee's anticipated resolution is discussed at the meeting. It may be necessary following the meeting, either for the grievance manager to conduct further investigations themselves, or to request the investigation officer undertake further investigations.
- 6.9 A written response to the grievance should be provided as soon as possible, and not later than 10 working days following the meeting. If a manager is unable to meet this timeframe, they shall write to the employee, notifying them of the reason for the delay and managing their expectations on an updated response timeframe.
- 6.10 The formal response must make clear that if an employee is dissatisfied with the response, they have a right to appeal. Employees' attention is drawn to the Appeal Policy for further information on how to lodge an appeal.

7. When will this policy be reviewed?

7.1 This policy will be reviewed every year or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	01.10.1993	New policy	01.10.2000
2.0	01.09.1999	Revised policy approved by PC	01.09.1999
3.0	02.12.2003	Revised policy approved by PC	02.12.2005
4.0	31.01.2012	Revised policy approved by PC	31.01.2014
5.0	31.01.2017	Revised policy approved by PC	31.01.2019
6.0	[TBC]	Revised policy approved by [NAME]	[DATE]

FAQS

What are the possible outcomes of a grievance?

There are a number of possible responses to a grievance, and these will depend upon the desired outcome, but potential outcomes may include the initiation of other processes or procedures e.g., an investigation under the capability and disciplinary procedures, leading to a disciplinary sanction or informal recommendations for change such as further training and support.

Can I raise a grievance anonymously?

All interested parties are required to maintain confidentiality throughout this procedure in order to protect the integrity of the process. Failure by employees to maintain confidentiality may result in disciplinary action being taken. The content of a grievance will be shared as narrowly as possible, and an employees' anonymity will be carefully considered if requested however, there is often a delicate balance to be struck between an employees' request for anonymity and an accused parties' ability to challenge allegations against them. HR and the manager will make employees aware of who the grievance has been shared with and what details are necessary to share with any other individuals involved/concerned.

I am a Chief Officer, what arrangements apply for me?

It is recommended that you reach out to your HR Business Partner for support and guidance.

What if more than one employee is aggrieved about the same issue?

If more than one grievance is submitted on the same or similar grounds, the Chief Officer – People and Policy may, at their discretion, decide that there will be a group hearing. A representative group of employees will be

selected to meet with an appropriate manager, appointed by the Chief Officer – People and Policy. In these cases, there will be no right to an individual grievance hearing.