

GRIEVANCE PROCEDURE

Version History			
Version	Date	Detail	Author
1.00	28/06/2013	Restoring Elected Member appeal process.	Nigel Hughes
2.01	01/02/2016	Policy Review	Tracey Wall
2.02	01/05/2016	TU Consultation	Tracey Wall
2.03	01/06/2016	2 nd TU consultation	Tracey Wall
2.04	24/08/2016	Following legal comments and additional mediation	Tracey Wall
2.05	19/10/2016	Following Strategic HR Group comments	Tracey Wall
2.06	23/11/2016	Following Departmental Management consultation	Tracey Wall
2.07	August 2017	Following continued TU consultation	Tracey Wall
2.08	20/12/2017	Amendment to Appeals Process (delegation of function to Strategic Directors)	Tracey Wall
2.09	09/07/2019	Amendment to Appeals Process (transfer from Legal Services to HR Division)	Tracey Wall
3.00	10/07/2020	Amendments to terminology only following HR Review	Roxanne Hardman

Links and Dependencies
ACAS Code of Practice on Disciplinary and Grievance Procedures
Discipline and Grievances at Work – the ACAS Guide

Grievance Procedure

1. Purpose

A grievance is a concern, problem or complaint which is raised by an employee if they feel unhappy about an aspect of their work or treatment they have received.

The purpose of this procedure is to set out a process to address an employee's grievance as quickly and fairly as possible.

2. Scope

The procedure applies to all employees of the Council except those employed in schools where the Governing Body performs the function of the employer.

3. Key Principles

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures.

- The Council believes that all employees should be treated fairly and with respect.
- High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.
- Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- The prime focus of managers and employees raising a grievance should be on resolving the issue informally, without the need for reference to the formal procedure.
- Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
- The employee can be accompanied by a colleague or trade union representative throughout the process.
- If an employee raises a grievance during disciplinary proceedings, both issues can be dealt with concurrently. Where a grievance is raised which is separate and wholly unrelated to the matter in hand, consideration can be given to dealing with the grievance separately at the conclusion of the disciplinary process.
- Mediation should be considered where appropriate at every stage of the procedure including after an appeal has been lodged.

- Neither party is allowed to electronically record meetings held as part of this procedure. The use of recording equipment by either party without consent may constitute a disciplinary matter.

4. Exclusions

This grievance procedure will not apply:

- Where there are separate, specific Council procedures to address an issue e.g. Harassment Procedure, Confidential Reporting Code, Recruitment and Selection Procedure.
- To issues which are the subject of collective negotiation or consultation with the trade unions or to collective disputes. This does not preclude a group of employees raising a collective grievance.
- Where the complaint is considered to be trivial, frivolous, vexatious or repetitive.
- Where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
- In relation to the grading of a post.
- To complaints about allegations of misconduct by another employee; these will be investigated under the disciplinary procedure.
- To complaints about disciplinary action taken against an employee; these should be dealt with as an appeal under the disciplinary procedure.
- In relation to an incident which happened more than 3 months previously. However, complaints may be considered which are out of time where there are extenuating circumstances.

5. Roles and Responsibilities

Managers and employees are responsible for attempting to resolve grievances.

Advice & Support will provide support and guidance to managers on the operation of the procedure and offer access to the Council's mediation process if required. Manager guidance supplements this procedure.

Employees may be accompanied if they choose throughout the process by a colleague or a trade union representative.

6. Addressing a Grievance

Informal Stage

Employees and their managers must aim to settle a grievance by discussing it informally before proceeding to formal, written grievance statements. The majority of concerns, problems and complaints should be settled in this way. If

the complaint is about the employee's manager, a more senior manager should be involved. Employees can take advice from the Advice & Support Team on who to approach.

Formal Stage 1 – Meeting

Employee

If the employee considers that their grievance has not been resolved to their satisfaction by informal discussion, they have a right to submit the grounds of their grievance in writing to a more senior manager. This must include:

- Full name, employee number, job title and department.
- A summary of the facts of the grievance.
- Dates and times of any incidents, in order.
- Details of any witnesses or supporting evidence.
- Details of what efforts the employee and others have made to resolve the complaint.
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure.
- Details of who will accompany the employee to the grievance meeting.
- Details of what resolution/outcome the employee would like to redress their grievance.

Manager

- The working arrangements in place immediately prior to the grievance being lodged will remain for the duration of the grievance, unless the manager considers that one or more of the following override that principle:
 - relevant legislation e.g. health and safety,
 - safeguarding requirements,
 - professional accountability,
 - the safety of service users and staff or
 - the efficiency of the service.
- The manager will reply to the grievance letter within 7 calendar days, inviting the employee to attend a meeting to discuss the grievance. The manager may need to gather information before or after the meeting, whichever is most applicable to the case.

Meeting

- The meeting will take place as soon as practicable after the letter has been received.
- There is a right to be accompanied at the meeting, by a colleague or a trade union representative.
- The purpose of the meeting is to give the employee the opportunity to explain their grievance and to seek a way to resolve it, taking into account the Council's policies, procedures and rules and the need for consistency and fairness.

- The employee should go to the meeting prepared to fully explain their case and to make clear what outcomes they are seeking to resolve the grievance.
- The employee should be given the option of accessing the Council's mediation process. This would entail pausing the grievance process whilst mediation is explored.

Outcome

- The 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 investigate it further.
- After the meeting the employee will be informed in writing within 7 calendar days of the 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.
- The employee should discuss the proposed outcome with their line manager, where appropriate.

Formal Stage 2 – Appeal

- If the employee is not satisfied with the outcome of the grievance meeting, there is a right of appeal to the employee's Executive Director, which must be registered in a letter to the Director of Organisational Development & Policy within 7 calendar days of receipt of the written notification of the meeting decision.
- The appeal will focus on the parts of the decision the employee is not satisfied with.
- The grounds of appeal should be set out in the appeal letter and the employee or their representative will use those grounds to establish their case at the beginning of the appeal.
- The Director will reply to the appeal letter within 7 calendar days, acknowledging the registering of the appeal, the hearing of which will take place as soon as practicable. There will be a minimum of 7 calendar days notice of the appeal date.
- Any statements of case or evidence on which either management or the employee wishes to rely, will be provided to the Appeal Hearing Officer and other party at least 7 calendar days prior to the hearing.
- The employee has a right to be accompanied at the appeal, by a colleague or trade union representative.
- The employee will be informed of the outcome in writing within 7 calendar days. That outcome is the final stage within the Council's procedures.