GRIEVANCE POLICY AND PROCEDURE

1 POLICY STATEMENT

1.1 The council believes that all employees should be treated fairly and with respect. If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your line manager, who will attempt to resolve the situation on an informal basis. If you feel unable to approach your line manager directly, you should approach a more senior manager in your business unit or your HR Business Partner, who will discuss ways of dealing with the matter with you.

1.2 In this policy, the term ‘you’ is used to refer to an employee who is raising a grievance.

If you and another employee (or more than two of you) have identical grievances and you all wish them to be addressed in the same grievance process, you and your colleagues can raise a grievance via the Collective Grievance Policy and Procedure.

2 SUMMARY OF KEY POINTS

2.1 When an employee has a concern about treatment they have received or any aspect of their work, for example their working environment, the matter should be raised informally with their line manager (where appropriate). For example, if the concerns relate to the employee’s line manager the matter should be raised with a more senior manager in the Business Unit.

2.2 The manager will attempt to resolve the matter informally. Depending on the nature of the grievance, mediation may be used, but only where all parties agree

2.3 If it is not possible to resolve the matter informally then a formal grievance can be raised. The employee needs to puts their complaint in writing, clearly setting out the nature of the grievance and the outcome that is sought. The letter should be headed "Formal grievance" and sent to their line manager (where appropriate) or a more senior manager in the Business Unit.

2.4 Depending on the nature of the grievance there may be further attempts to resolve the matter informally.

2.5 The process for a formal grievance then involves investigation (where appropriate), meeting with the employee, a written outcome and a right of appeal. The employee may be accompanied by a work colleague or trade union representative at any hearing or subsequent appeal hearing. Within three days of the hearing the employee will be informed in writing of the outcome and any further action that the council will take as a result, for example the review of a policy.
3  **SCOPE**

3.1 This policy applies to all employees and will be applied and monitored in accordance with the council’s [Equality and Diversity in Employment Policy](#).

3.2 Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which you have been treated by the council or managers acting on its behalf. Examples of issues which may cause grievances include:

- terms and conditions of employment
- health and safety
- work relations
- new working practices
- working environment
- organisational change
- discrimination

3.3 If your complaint relates to bullying or harassment on the part of a colleague, the matter should be dealt with under the [Bullying and Harassment Policy and Procedure](#). Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure and you will be informed once the matter has been dealt with.

3.4 Complaints about the conduct of councillors will be dealt with under the [Councillor’s Code of Conduct](#).

3.5 Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

3.6 Where a grievance is raised during a disciplinary process the disciplinary process may be suspended temporarily in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

4  **MEDIATION**

4.1 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

5  **RIGHT TO BE ACCOMPANIED**

5.1 You have the right to be accompanied by a fellow worker or trade union official at any formal grievance meeting or subsequent appeal. The trade union official need not be an employee of the council, but if he/she is not a fellow worker or an employee of his/her union, the council may insist on him/her being certified by
the union as being experienced or trained in accompanying employees at grievance hearings. In exceptional circumstances the council will consider a request from an employee to be accompanied by a person other than a trade union official or fellow worker.

5.2 It is not usually the case that employees will be represented at informal grievance meetings. However, if requested by the employee this will not be refused.

5.3 Please note that individual workers are not obliged to agree to accompany you. Representatives will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

5.4 At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the council and you, so any questions put directly to you should be dealt with by you and not your companion.

5.5 Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date. This five day time limit may be extended by mutual agreement.

6 EXTERNAL FACILITATION

6.1 In certain circumstances it may be helpful to seek external advice and assistance during the grievance procedure. For example, where relationships have broken down, or where the grievance is against the Chief Executive, an external facilitator might be able to help resolve the problem, investigate the matter or hear the grievance, to ensure the process is seen to be impartial.

7 INFORMAL GRIEVANCE PROCEDURE

7.1 In the first instance every effort should be made to resolve a grievance informally. You should speak initially with your line manager (or a more senior manager if appropriate), who is most likely to be able to resolve any issues. As outlined in section 5, mediation may be used to assist the informal resolution of a grievance. Where the grievance cannot be resolved informally you should proceed to the formal procedure.

8 FORMAL GRIEVANCE PROCEDURE

8.1 Making the complaint

8.1.1 The first stage of the grievance procedure is for you to put your complaint in writing. This written statement will form the basis of any subsequent hearing and investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is
unclear, you may be asked to clarify your complaint before any meeting takes place.

8.1.2 Your complaint should be headed "Formal grievance" and sent to your line manager. If your complaint relates to your line manager, the complaint may be sent to a more senior manager.

8.1.3 Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

8.1.4 Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these investigations, you will be given a copy no less than three working days in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential (e.g. where a concern has been raised about bullying). Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be provided.

8.2 The grievance hearing

8.2.1 The hearing will be held as soon as is reasonably practicable, normally within five working days after any preliminary investigation has taken place and in any event you will be kept informed of the progress of the investigation. The hearing will be conducted by your line manager, or more senior manager if appropriate, and attended by an HR representative. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

8.2.2 An order of proceedings for grievance hearings and appeal meetings can be found attached as Appendix 1.

8.2.3 Following the meeting, you will be informed in writing of the outcome within three working days and told of any action that the council proposes to take as a result of your complaint.

8.2.4 In preparing for the hearing, provision must be made for any reasonable adjustments to accommodate the needs of a person with disabilities.

8.3 Appeal

8.3.1 If you are dissatisfied with the outcome, you may make a formal appeal.

8.3.2 Your appeal should be made in writing to the Head of Human Resources. You should clearly state the grounds of your appeal, i.e. the basis on which you believe that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within five working days of the written notification of the outcome of the grievance. An appeal meeting will be
arranged to take place within 15 working days of the submission of your formal appeal.

8.3.3 The appeal hearing will normally be conducted by a Head of Service, who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

8.3.4 An order of proceedings for grievance hearings and appeal meetings can be found attached as Appendix 1.

8.3.5 The decision at the appeal is final and will be confirmed in writing, usually within five working day.
APPENDIX 1 – Grievance Hearing and Appeal Meeting Order of Proceedings

The format of any formal grievance hearing conducted by the council will be as follows:

- The purpose of a formal grievance hearing will normally be to establish the facts about the employee's grievance and determine what (if any) action can reasonably be taken to resolve it.
- The employee should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, he/she should inform their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.
- The person leading the hearing (the chair) will introduce the hearing, and explain its purpose and how it will be conducted.
- The employee will be entitled to be accompanied at the hearing, if he/she wishes, by a fellow worker or trade union official of their choice.
- The parties present at the hearing will introduce themselves and confirm their respective roles in the hearing.
- The chair will state that the hearing is being conducted as part of the organisation's formal grievance procedure and confirm that a written record of the hearing is being made.
- The chair will invite the employee to state his/her case, i.e. the circumstances that have led to the grievance, the nature of the grievance and why he/she feels aggrieved. The employee may do this personally, or the employee's representative (if he/she has elected to be represented) may do this on their behalf.
- The employee will refer to any documentation on which they are seeking to rely. The chair will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration of witness statements where appropriate.
- The chair may ask the employee (and any witnesses) questions about the circumstances of the grievance in order to establish all the relevant facts, background and surrounding circumstances.
- The chair has the right to ask the employee personally to answer such questions, although the employee may on request confer with his/her representative at any time during the grievance hearing.
- The employee or their representative may, in appropriate cases, ask questions of witnesses.
- While the employee will be given every opportunity to explain their case fully, the explanation should be confined to matters that are directly relevant to the complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The chair will intervene if he/she thinks that the discussion is straying too far from the key issue. The chair may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.
- Once all the evidence has been heard, the chair will sum up the key points of the hearing.
• The chair will inform the employee of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance.

• The chair will inform the employee that he/she will have the right to appeal against the outcome of the grievance hearing if he/she is not satisfied with it.

• The chair will thank the parties for attending and close the meeting.

• At any point during the hearing, the chair may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.
Grievance Policy and Procedure

**APPENDIX 1**

*Reviewed June 2016*  
*Next review September 2018*

**APPENDIX 2 - Collective Grievance Procedure Flow Chart**

Employee unhappy about treatment they have received or any aspect of their work (section 2.1)

**Informal Procedure** (section 7)  
Employee should initially speak with their line manager, who is most likely to be able to resolve any issues. Or if the employee feels unable to approach their line manager directly they should speak to a more senior manager in the business unit or their HR Business Partner.

Where the grievance cannot be resolved informally

**Formal Procedure** (section 8)  
Employee puts their complaint in writing, clearly setting out the nature of the grievance and the outcome that is sought. Should be headed “Formal grievance” and sent to their line manager, or if the complaint relates to the line manager, it may be sent to a more senior manager in the business unit.

Depending on the nature of the grievance there may be further attempts to resolve the matter informally (section 8.1.3).

It may be necessary to carry out investigations of any allegations made before progression to a hearing (section 8.1.4).

Grievance hearing with employee, chair and HR (section 8.2). Within 3 days employee will be informed in writing of outcome and any further action that the council will take as a result, e.g. review of a policy.

**Mediation** (section 4)  
Depending on the nature of the grievance, mediation may be used, but only where all parties agree.

If employee is dissatisfied with the outcome

**Appeal** (section 8.3)