

Grievance Procedure

1 Introduction

- 1.1 The council is committed to providing a working environment where individuals are treated with fairness, dignity and respect and will take all employee complaints seriously. This procedure supports the Council's Core Values of respect, collaboration, efficiency, openness, creativity and customer focus.
- 1.2 However, it recognises that sometimes things can go wrong and employees can have a concern or complaint (a grievance) relating to their employment. It is therefore essential that grievances are dealt with in accordance with the timescales set out in this procedure.
- 1.3 The council's Grievance Procedure complies with best practice as set out in the ACAS (Advisory, Conciliation and Arbitration Service) "Code of Practice on disciplinary and grievance procedures".

2 Scope

- 2.1 This Procedure applies to all employees of the Council with the exception of the Chief Executive, JNC employees and employees who are appointed by the Governing Body to work at a school.
- 2.2 This Procedure **will not apply** to:
 - 2.2.1 Disciplinary, capability and dismissal matters including redundancy dismissals (dealt with under the separate Disciplinary, Capability and Attendance Management Procedures or Dismissal appeal process).
 - 2.2.2 Matters relating to statutory deductions from pay e.g. income tax, national insurance or pension.
 - 2.2.3 Appeals against the grading of posts dealt with by the Re-evaluation of existing posts and Grading Appeal procedure.
 - 2.2.4 Matters over which the Council has no control e.g. compliance with and implementation of health and safety legislation.
 - 2.2.5 Employment-related matters raised by ex-employees after their service with the Council has ended.

3 General

- 3.1 The council and its recognised trade unions are committed to ensuring that the spirit and intentions of the Procedure are honoured at all times. It is recognised that employees' grievances, complaints, and concerns can be raised without the fear of recrimination and subsequently dealt with quickly, constructively, consistently and, above all, impartially.
- 3.2 It is in everyone's interests for workplace concerns to be dealt with as quickly as possible and on an informal basis. Employees, trade unions and managers have a responsibility to seek to resolve concerns informally, before taking a formal grievance.
- 3.3 Employees should discuss any concerns with their line manager informally in the first instance. If the employee's grievance is about their line manager then they should discuss their concerns with a more senior manager – usually the line manager's manager.
- 3.4 The manager should arrange an informal discussion to explore and resolve the concerns raised, as soon as reasonably possible. The employee should provide a detailed explanation of the nature of their concern(s) and what action they feel should be taken to enable a resolution to be found, and agree, where possible, any appropriate action necessary to resolve their concern.
- 3.5 Where ever possible the manager should seek a means of resolving the concern to the employee's satisfaction taking into account council policies, procedures, rules and the need for fairness and consistency.
- 3.6 The council recognises grievance meetings/hearings can be sensitive and may be difficult for all parties concerned. However, all parties involved in these should conduct meetings in a respectful and open way.
- 3.7 It is expected that employees will raise issues of concern in good faith, however grievances which are subsequently found to be vexatious or malicious may result in disciplinary action against the complainant .

4 Mediation

- 4.1 The Council operates a Mediation Scheme. This entails an independent third party known as a mediator to try and help resolve grievance issues thereby avoiding the need to for the formal process to be instigated. However a mediator can be deployed at any stage of the procedure. Mediation works by encouraging the parties to speak to each other in order to reach a mutually acceptable agreement. It gives them a chance to talk honestly about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. Mediation is a voluntary process.
- 4.2 Where an informal route and/or mediation has been unsuccessful, a formal grievance may be raised.

5 Support and Right to representation

- 5.1 An employee raising a grievance may, if they wish, be advised and/or represented by a Trade Union representative, an official employed by a Trade Union or accompanied by a colleague who works for the Council at every formal stage of the Procedure.
- 5.2 Trade union representation will be afforded to an employee, where requested, irrespective of whether or not the union to which the employee belongs is recognised by the Council.
- 5.3 Employees may wish to access the staff counselling service offered as part of the Council's Employee Assistance Programme.

6 Time Scales

- 6.1 The prescribed time scales are designed to facilitate the swift handling of any grievance and must be adhered to by both management and the employee(s)/Trade Unions unless they are varied by mutual agreement between the parties concerned.
- 6.2 It is intended that any formal stage of the grievance should be concluded within one calendar month of being raised.

7 Formal Grievance Procedure

7.1 Stage One

- 7.2 If an employee feels that following informal discussion (as described in paragraph 3) the grievance remains unresolved then a formal grievance may be raised. Formal grievances should be raised in writing on the Grievance Notification Form (Appendix A) and must address all of the following:

- a summary of the issues from the employee's perspective;
- evidence supporting their view (if any is available);
- details of the steps they have already taken to address the situation;
- what outcome the employee is seeking

A grievance submission that does not satisfy all of the above points may require further clarification before it can proceed.

Note that language which may be considered insulting or abusive should not be used on the Grievance notification Form unless it is a quotation.

- 7.3 The Head of Service, or other senior manager nominated by him/her for the purpose, should set a date for a meeting with the employee(s), his/her representative/companion and any other interested parties **within fourteen days** of receipt of the Stage One grievance.
- 7.4 After hearing the grievance, the Head of Service or other senior manager nominated by him/her for the purpose, should give his/her decision to the employee(s) and his/her Trade Union representative/companion in writing, **within seven days** of the meeting (or the last of the meetings if more than one was necessary).
- 7.5 Where an employee or their companion/representative is unable to attend the meeting, they may request for the meeting to be rescheduled once within 7 calendar days of the original date. If the employee or their companion/representative is unable to attend a rescheduled meeting within this timescale or a mutually agreed timescale, the manager may decide that it is appropriate for the employee to provide a written submission instead in order or for the case to be heard.

8 Stage Two - Appeal

- 8.1 If the employee is not satisfied that their grievance has been resolved at Stage One of the procedure they have a right of appeal. The formal Stage Two appeal hearing is the final stage of the Grievance Procedure. The employee should advise they wish to do this, in writing.
- 8.2 Appeals must be submitted in writing within 7 calendar days of the written outcome of the original Stage One meeting. This should be submitted to the original hearing manager for forwarding to the Executive Director for that service area who will arrange for the appeal to be heard.
- 8.3 The written appeal must be submitted on a Grievance Appeal Notification form (Appendix B) and include:-
- The original submission and the outcome letter from Stage One;
 - A description of in what way the issues have not been resolved;
 - What the employee considers will resolve the situation;
- 8.4 The Director or other senior manager nominated by him/her for the purpose, should hold a meeting with the employee(s), his/her TU representative/companion and any other relevant parties **within twenty-one calendar days** of receipt of the Grievance Appeal Notification Form.
- 8.5 Following a reasonable request for a change of assigned hearing manager, the Director has the discretion to hear the matter personally or to assign the hearing to someone outside of line management.
- 8.6 Where an employee or their companion/representative is unable to attend the appeal hearing, they may request that the appeal hearing is rescheduled once within 7 calendar days of the original date. If the employee or their

companion/representative is unable to attend a rescheduled meeting within this timescale or a mutually agreed timescale, the manager may decide that it is appropriate for the employee to provide a written submission instead in order or for the case to be heard.

8.7 After hearing the grievance, the Hearing Manager, will give his/her decision to the employee(s) and his/her Trade Union representative/companion in writing, **within seven calendar days** of the hearing (or the last of the hearings if more than one was necessary).

8.8 The table below shows who meetings/hearings are normally chaired by.

Stage	Type	Chair
Stage One Meeting	grievance	Head of Service or nominated representative
Stage Two Appeal Hearing	grievance	Member of Executive Leadership Team or other nominated representative

9 The relationship between grievances and other procedures

9.1 Where an employee raises a grievance during the course of another formal council procedure (such as the Disciplinary, Capability and Attendance Management Procedures), action under that other procedure/policy may be temporarily suspended to enable the grievance to be dealt with. Where the two are related, it may be more appropriate to deal with them concurrently. Each case will be considered on its merits to ensure that the Council is acting reasonably.

9.2 Where a dispute is registered by one or more of the recognised Trade Unions and is not attached to any named employees this will be dealt with under the Council's separate Disputes Procedure.

Appendix A



Grievance Notification Form

STAGE ONE GRIEVANCE

EMPLOYEE'S NAME:

DEPARTMENT:

TEAM:

SUPERVISOR'S NAME:

POST:

Please give a summary of the issues from your perspective relating to your Grievance:

Please provide any evidence that supports your view if any is available;

Please give any details of the steps that you have already taken to address the situation;

What is the outcome that you are seeking?

Please note:

A grievance submission that does not satisfy all of the above points may require further clarification before it can proceed.

Signature:

Date:

Stage One forms must be submitted to your immediate manager.

Appendix B



Grievance Notification Form

STAGE TWO - APPEAL

EMPLOYEE'S NAME:

DEPARTMENT:

TEAM:

SUPERVISOR'S NAME:

POST:

This form must include:

The original submission and the outcome letter from Stage One;

Please provide a description of in what way the issues have not been resolved;

What do you consider will resolve the situation?

Please note:

A grievance submission that does not satisfy all of the above points may require further clarification before it can proceed.

Signature:

Date:

This form must be submitted to the original Stage One hearing manager within seven calendar days of the written outcome of that meeting.

