

GRIEVANCE

PROCEDURE

Grievance Procedure

1. Introduction

- 1.1. The Grievance Procedure provides a framework for dealing with employee complaints fairly, consistently, and swiftly. Employees are able to raise complaints without the fear of reprisal and in the knowledge that their issue(s) will be dealt with sensitively and effectively. It is the role of those hearing grievances to try to resolve the issues raised and this may entail helping the people involved in the dispute to reach an agreement.
- 1.2. This procedure has been developed to deal with genuine grievances. Inappropriate use of the procedure may result in action being taken under the Conduct Procedure. Grievances can only proceed through the procedure's stages on the basis that the original grievance and the employee's desired resolution remain unchanged.
- 1.3. The Grievance Procedure is for all current employees. All Trade Unions recognised by the Council have been consulted. Current employees must raise grievances within 6 months of the incident occurring. Former employees, who raise a grievance in writing within 3 months of their last day of employment, will receive a written response from the appropriate manager. There is no appeal stage for former employees.
- 1.4. If an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended 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.
- 1.5. Employees may not raise grievances about issues that have been agreed by Cabinet/Council as officers will not be able to resolve them. In the event that an employee raises such an issue, they will receive a written response explaining why the grievance will not proceed.
- 1.6. The Grievance Procedure is available on Dennis under Section 12 of the Employee Handbook. Amendments to the policy will be made when necessary with appropriate consultation.
- 1.7. It is not possible to provide an exhaustive list of the matters that employees may raise as grievances, but examples may include the following:
 - working environment, e.g. light, heat, space
 - use of equipment, e.g. tools provided are felt to be unsuitable
 - supervisory practices, e.g. workload allocation
 - colleague disputes

If in doubt about the use of this procedure, employees should contact Human Resources for advice and guidance. Issues related to conduct; capability, sickness, probation and grading issues are dealt with by other procedures.

- 1.8. Both individuals and groups of employees may use this procedure. In cases of group grievances all employees concerned must agree and sign the grievance letter. (See Formal Stage 1, paragraph 3.1). One colleague should be appointed for the Group to attend all the meetings on the employee's behalf.

- 1.9. This procedure complies with the Employment Act 2008 and the ACAS Code of Practice.

2. Informal Stage

- 2.1. If an employee has a grievance or dispute about their employment, it should be discussed informally with their immediate supervisor/ manager. The employee must be clear what they feel will resolve the matter. If the grievance is directly related to the employee's supervisor/ manager and the employee feels unable to approach them direct, the employee should raise the issue with the next level of management.
- 2.2. If the supervisor/manager feels they do not have the authority to resolve the issue, they may refer the matter to a higher level of management, and inform the employee accordingly.
- 2.3. The supervisor/manager should make every attempt to meet with the employee within 5 days to discuss the matter in detail. If this is not possible the employee should be advised accordingly. The employee may be accompanied at the meeting by a Trade Union representative or work colleague if he/she wishes.

3. Formal Stage

- 3.1. If the employee feels that the matter has not been resolved satisfactorily through informal discussions, they may raise the matter formally in writing, clearly stating the nature of the grievance and what action they consider would resolve it. If the employee requires any help with writing the letter, they should contact Human Resources for advice on who might be appropriate to provide assistance. The employee may be accompanied at any meeting by a Trade Union representative or work colleague.
- 3.2. The supervisor/manager must make every attempt to meet with the employee within 5 working days of receipt of the letter. The supervisor/manager will arrange for a member of Human Resources to also attend the meeting.
- 3.3. The supervisor/manager must:
 - Inform the employee of their right to be accompanied at this and any subsequent stage of the process.
 - Clarify with the employee what action they are seeking to resolve the matter.
 - Ensure all parties involved are aware of the need for confidentiality and do not reveal any unnecessary information.
 - Undertake any necessary investigations.
 - Notify the employee of the outcome and any actions to be taken together with the reasons for that decision.
- 3.4. After the meeting, if a further investigation is necessary, this should be carried out wherever possible within 10 working days.

- 3.5. If it is necessary to speak to other members of staff in relation to the grievance, then they should be informed of the general nature of the grievance before an investigatory meeting. They must be told that the matter is confidential. The employee may be accompanied at the meeting by a trade union representative or work colleague if they wish.
- 3.6. The supervisor/manager will then set up a further meeting with the employee and their representative to discuss the findings of the investigation and inform them of the reasons for that decision.
- 3.7. The decision will be confirmed to the employee in writing within 5 working days of the meeting. The letter must state that the employee has the right to appeal if they feel the matter has not been resolved to their satisfaction.

4. Appeal Stage

- 4.1. The right of appeal exists for decisions made following the Formal Stage of the grievance procedure. The appeal must be made in writing to Human Resources within 10 working days of receiving the Formal Stage decision. The letter must clearly state the reasons for appeal. The appeal will be heard by either the appropriate Group Manager, or if the Group Manager has had previous involvement in the case, the appropriate Assistant Director. The Leader of the Council will hear Appeals for employees who report directly to the Chief Executive.

4.2. The Appeal

Every attempt will be made to hear the appeal within 15 working days of receipt of the employee's letter. Details of the date, time and place of the appeal and who will attend will be set out in the letter and the employee will be given a minimum of 5 working days' notice of the date of the Appeal.

4.3. Who will attend

Either the Assistant Director/Group Manager/Leader of the Council (the chairperson) a member of Human Resources (not previously involved), the employee appealing, the employee's Trade Union representative or work colleague, and, if considered necessary by the Chairperson the manager involved at the Formal Stage. The employee may also ask witnesses to attend, and, if this is the case, must notify any names to the Chairperson at least 48 hours before the appeal date.

4.4. The Appeal process

- The employee, supported by their representative, informs the Chairman of the grievance and why they do not feel it has been satisfactorily resolved.
- The Chairman then asks questions of anyone present.
- All parties may ask questions/offer responses as long as this is in agreement with the Chairman.
- The decision of the Chairman is final and will be confirmed in writing within 5 working days of the Appeal.

This is the final stage of the Council's Grievance procedure and there is no further right of appeal.

Grievance Procedure Flowchart

