

**Introduction/Scope**

The Council expects, as per ACAS Guidance, that most grievances will be resolved informally. Many problems can be raised and settled during the course of everyday working relationships without recourse to a formal process. This also allows for problems to be settled quickly. This procedure exists so that employees have a mechanism to address issues as they arise via a relevant and agreed process. It is accepted that in some cases that is either not possible or deemed not to be appropriate to address issues informally and that they may have to be dealt with formally from the outset.

This procedure should be used by an individual who is still in employment where they have concerns, problems or complaints related to their employment including issues of Bullying and Harassment. It has been produced in accordance with the ACAS Disciplinary and Grievance Procedures Code of Practice (April 2009).

**Exemptions**

The procedure is open to all employees of the Council, excluding where:

1. there has been failure by the employee to comply with the reasonable time limits in the procedure, unless by agreement a particular time limit has been waived;
2. there is an attempt to restart the procedure in respect of the same complaint, unless any action agreed by management to redress the original complaint has not been implemented;
3. the employee concerned is subject to other procedures of the Council where there is an inbuilt appeal mechanism in that procedure, e.g. the Disciplinary Procedure;
4. A matter over which the Council has no control and/or powers to provide a remedy to the complaint;
5. Any matter which affects a change to National or Local Conditions, Council Policy or Decisions;
6. the complaint raised by a representative of a recognised trade union or other appropriate workplace representative affects other employees.

**Representation**

An employee may be accompanied by a representative of a trade union, an official employed by a trade union or a Council employee/workplace colleague of his/her choice at any stage in this procedure. Employees have a statutory right to be accompanied by a companion as described above at a grievance meeting which deals with a complaint about a duty owed by the employer to the employee.

The Council expects the employee to make appropriate and timely arrangements to be accompanied when invited to a grievance meeting. As per the ACAS guidance what is reasonable will depend on the circumstances of each individual case.

Where a representative cannot attend a meeting on the proposed date the date can be re-arranged in line with the Employment Relations Act 1999. The Employment Relations Act 1999 provides for one postponement due to the unavailability of a representative / workplace colleague.

### **Links to Other Procedures**

Where the issue raised is related to a matter being dealt with via another Council procedure then this will be dealt with as part of that process. Where a grievance is raised by the employee that is subject to another procedure and the subject matter of that grievance is unrelated this will be considered under the grievance procedure concurrently i.e. the other process will not be suspended.

Where a disciplinary investigation felt necessary at any point during the consideration of an employee grievance, the issue will be moved under the Council's Disciplinary Rules and Procedure and dealt with in accordance with that process.

### **Protection against Victimisation**

Employees have the right to raise a grievance without fear of victimisation, subsequent discrimination or disadvantage. However, malicious, frivolous or vexatious complaints without foundation will not be tolerated and may lead to disciplinary action being taken.

### **Support Available**

Support for the Complainant – employees who have raised a grievance at work may experience emotional or psychological reactions to their experiences. Support and/or counselling via Occupational Health is available to the employee concerned. Support may also be offered by the employees' Trade Union.

Support for the Respondent (if applicable) – where a grievance is not substantiated, no record of that complaint or investigation will be maintained on the Respondent's file. The Respondent must be shown a similar degree of sensitivity, protection and discretion as the person making the allegation.

Only in exceptional circumstances should it be necessary to make alternative arrangements for working whilst the grievance is being considered and advice should be taken from Human Resources if this option is being considered.

### **Advice**

Managers should seek advice from an appropriate member of Human Resources at all stages in this process.

### **Monitoring of Grievances**

The Council monitors formal grievances in respect of protected characteristics to ensure they are free from discriminatory bias in respect of their content and handling.

**THE PROCEDURE****Informal Stage**

Where an employee has a complaint about any matter relating to his/her employment then it should be discussed informally in the first instance with their immediate manager or supervisor without unreasonable delay. Every reasonable effort should be made to address issues at this stage. The manner in which the issues are addressed at the informal stage can vary dependant upon the nature and complexity of the matter.

Where the employee's complaint is regarding the manager or supervisor, then the matter should be raised by the employee in the first instance with a relevant more senior manager.

The line manager should at this stage make reasonable attempts to facilitate a process, which will allow the aggrieved individual to seek a resolution to their issues. Advice should be sought from Human Resources.

The manager in receipt of the complaint should make relevant notes including details of the grievance, relevant times and dates, any actions, discussions or meetings and who was present. Notes need not be verbatim but should provide sufficient documented evidence that the issue was addressed. These notes should be stored confidentially so that they can be referred to should the matter be progressed to a formal stage.

The manager may form a view after discussing the matter with the individual that because of the nature and complexity of the matter the issue cannot be dealt with at the informal stage. The employee should be informed of this in writing and advised to raise the matter formally using the pro forma at Appendix 1.

**Moving to the Formal Stage**

If it is not possible to resolve a grievance informally the employee should raise the matter formally, in writing, and without unreasonable delay.

**Formal Stage****Written Notification**

The employee should provide written notification of their grievance by fully completing the pro forma at Appendix 1. This written notification must set out the reasons they remain dissatisfied, giving the full details of the grievance and indicate relevant dates, times and witnesses to any relevant events/incidents. The pro forma must be signed by the individual raising the grievance. If the employee is unable to sign the pro forma or the grievance is raised by the employees trade union representative on their behalf this will not delay consideration of the grievance. However, the employee must confirm their grievance in writing as soon as practicably possible. If the employee has difficulty expressing themselves because of language or other difficulties they may seek advice from a trade union or colleague. The submission of a written grievance does not negate the need to consider the matter at the informal stage, if appropriate.

The grievance should also indicate if the matter has been dealt with informally and details of the outcome/resolution sought by the employee. This should be sent to their manager.

The complaint should be raised as soon as practicable, or within 10 days of notification of the outcome of the discussion where it has previously been raised informally.

### **Management Representative**

A management representative will be appointed who in consultation with Human Resources will confirm receipt of the written grievance and arrange a meeting. Ideally this meeting should take place within 10 working days of receipt of the written grievance. At all stages of this procedure the employee will be asked to outline their complaint and the outcome/resolution sought. If the matter is being considered at the formal stage because the employee remains dissatisfied then they will be asked to outline the reasons why they remain dissatisfied.

The management representative should consider the grievance, take reasonable steps to investigate the matter and provide a response to the individual.

This may include speaking to or meeting with any other individual who the management representative deems relevant to enable a response to be formulated. This may include the manager who considered the complaint informally to explain the reasoning behind their decision.

If the grievance is about a fellow employee, manager or supervisor, this must be dealt with sensitively. The employee must be told of the alleged complaint. Meeting with the employee who is the subject of the complaint to notify them of its existence, is different from meeting them to discuss the content of the complaint, where/when this is applicable. In the latter instance the employee would have the right to be accompanied.

The management representative will reserve the right to decide how the grievance will be dealt with, including which other individuals or pieces of evidence are required to enable a reasonable response to be provided.

### **Grievance Meetings**

Unless agreed otherwise in advance, a meeting will be undertaken with the employee who will have the right to be represented/accompanied as outlined earlier in this procedure. During any meetings with the employee it should be remembered that discussion and dialogue may lead to an amicable resolution. The employee should be invited to re-state their grievance and how they would like to see it resolved.

The Management Representative may be accompanied at any meeting by Human Resources or any other relevant individual who may take management notes.

Should for any reason the employee unreasonably refuse to attend a meeting or there are any unreasonable delays, the management representative reserves the right to continue to address the grievance on the basis of the evidence available.

### **Management Response**

Because of the nature of some of the grievances it may be necessary to interview witnesses or undertake further investigations. The employee should be notified if this is the case. The employee will be notified of the decision reached at the end of the process. This will be confirmed in writing ideally within ten working days of the conclusion of the process and will

include the details of what to do next should they remain dissatisfied. The employee will be provided with the pro forma at Appendix 2.

### **Re-Consideration in the Department**

If the employee remains dissatisfied with the decision at the formal stage, and that decision has been taken by a manager that is at a lower level than Assistant Director then they should inform the Chief Officer as to why they are dissatisfied. They should do this, in writing using the pro forma attached at Appendix \*. This should include the resolution sought. This must be done within ten working days of receipt in writing of the original decision.

The Chief Officer, Assistant Director or nominated representative will confirm receipt of the employee's dissatisfaction and arrange a meeting to reconsider the issue. Ideally, this should be within ten working days of receipt of the notification of the appeal.

Should the employee unreasonably refuse to attend the meeting or there are unreasonable delays, the Chief Officer, Assistant Director or their nominated representative reserves the right to continue to address the complaint on the basis of the evidence available.

Unless agreed otherwise in advance, a re-consideration meeting will be undertaken with the employee. The employee will have the right to be represented/accompanied as outlined earlier in this procedure.

The re-consideration will take the form of a review of the formal stage meeting. Consideration will be given to all information gathered at the formal stage the content of the management response and written grounds for appeal.

If new evidence emerges in the period between the formal stage response and any appeal hearing, then dependent upon the nature and significance of the evidence this may be remitted back to the original management representative at the formal stage of the procedure for their consideration.

The employee must show why the evidence is new and why it was not possible to produce this evidence prior to the grievance meeting.

### **Outcome of re-consideration in the Department**

The outcome of any re-consideration will be communicated in writing and delivered to the employee within ten working days of the end of the re-consideration process.

### **Appeal**

Where the employee remains dissatisfied with the outcome at the formal stage after consideration by the Chief Officer, Assistant Director or nominated representative the employee has a right of appeal to Elected Members. They should do so in writing and use the pro forma attached at Appendix 2. The appeal should detail why the employee remains dissatisfied and the outcome/resolution sought. It should be sent to the nominated person as outlined in the outcome letter, within ten days of receipt of the outcome of the consideration in the Department.

The Personnel Appeals Panel will follow its normal procedure and will give a decision on the matter.

The Individual Grievance Procedure will end at this stage.

August 2014