

Contents

Section 1: Introduction	2
Section 2: Procedure	3

Introduction

The Council believes that its employees should be treated equally and with respect. The grievance procedure provides a means for dealing with any grievance, concern, problem or complaint which you may have in the course of, and connected with, your employment. It is our policy to deal with grievances quickly and fairly, and in total confidence

It is primarily the responsibility of your line manager/supervisor and you to develop informal, yet effective, means of communication and consultation which make the need to resort to the grievance procedure an exception. The move to the formal stage of this procedure should be seen as a last resort after attempts to solve your grievance informally have been exhausted.

Statutory guidance

Our procedure follows all current statutory guidance and best practice and the statutory procedure which is set out in the Employment Act 2002 (Dispute Resolution) Regulations 2004. The procedure allows the Council to deal with grievances fairly and consistently. The Council's grievance policy and procedure forms part of your contract of employment.

Application

The grievance procedure applies to all staff and is intended to be used if you have a grievance against the action(s) or lack of action of your manager or supervisor, which you consider to be your detriment, or for other matters connected with your employment. You may also pursue a grievance against other managers in a more senior position.

Disputes with colleagues

This procedure should not be used where other procedures exist for dealing with a dispute. It also should not be used in the first instance for dealing with a complaint against the action of a colleague(s). If you are unhappy with the conduct of a colleague(s) you should complain to your manager. If you are unhappy with the action taken by your manager, and wish to pursue the matter further, you may do so under the grievance procedure.

Harassment, bullying & whistleblowing

Separate procedures exist for dealing with cases of harassment, bullying and whistleblowing. However, if you prefer, you can use the grievance procedure. If you are unsure which to use, you should seek advice from the HR Team.

Salary gradings

You should not use the grievance procedure to appeal against a salary grading. This issue is dealt with through a separate process.

Role of the HR Team

The role of the HR team is to advise managers and employees involved in formal grievance proceedings about the procedure and its application. A member of the team will attend all formal grievance interviews to advise and ensure that the procedure is followed. It is not, however, the role of members of that team to take part in decision-taking or to conduct grievance interviews.

If you are considering taking formal grievance action against a member of our staff or wish to complain about a procedure or policy, or are unsure of what action to take when you are faced with matter which concerns you, you are advised to speak in confidence to a member of the HR team at an early stage.

If you are considering using the formal grievance procedure, you may wish to contact your Union representative, who will be able to discuss the issue(s) with you, and support you through the procedure. You may also wish to contact the HR team to discuss the procedure and what you can expect to happen. Members of the team are not able to discuss the material issues with you and will only advise on the process.

Right to representation

If you are taking formal grievance action you have the right to be represented by a Trades Union official or a colleague at every stage, including any appeal. It is up to you to arrange this support, and to notify the HR team of the name of your representative. The role of the official or colleague is to support you, and s/he has the right to speak on your behalf. However, it is not the role of the official or colleague to answer questions put to you. The person against whom the grievance is made is also entitled to be represented at all hearings.

Varying the procedure

In practice, the timescales may be varied with the agreement of both parties, and a request to extend the timescale will not be unreasonably refused. If the designated personnel are not available at a given time, then others of the same status may be substituted in order not to prolong proceedings unnecessarily.

Confidentiality of proceedings

If you are involved in any way with a formal grievance matter involving another member of staff you are expected to keep information confidential and not discuss it with anyone who is not directly involved. Failure to do so may result in disciplinary action being taken against you.

Revisions to grievance procedure

The operation of this procedure will be reviewed periodically through the normal consultation process. Any amendments proposed as a result of these reviews will be advised to all staff, and you will be informed of the date from which changes are to be implemented.

The procedure

Informal action

You should take up the issue which concerns you with your manager, preferably in writing. However, if your grievance concerns the actions of your manager, then you should report it to his/her line manager.

Your manager should arrange to meet with you as soon as possible, but certainly within 5 working days of receiving your grievance. S/he will make notes of any agreement reached or action to be taken, and, if appropriate, state that the grievance has been resolved. These notes will be given to you within 5 working days of the meeting, and a copy will be placed on your personal file and that of the other staff member concerned, if appropriate.

Formal action

1st stage – Setting out your Grievance

If an informal discussion with your manager does not resolve the issue to your satisfaction, you may use the formal grievance procedure

Your grievance should be clearly set out, in writing, to your Director. You should include a brief outline of the issue(s), which concern you. You should do this within 5 working days of receiving a written response to your informal meeting.

2nd stage - Meeting

Your Director or a manager nominated by him/her will then meet with you and your manager. If your grievance is about your manager s/he may choose to meet you separately, depending on the nature of your grievance. This meeting will take place within 5 working days of receipt of your request for a formal grievance hearing. You have the right to be accompanied at this meeting, this can be a fellow worker or trade union official. You must take all reasonable steps to attend this meeting.

The role of the Director at this stage is to research the facts of your allegations and to determine if the grievance is to be upheld and to come to an agreement about how to resolve the conflict/issue. A representative of the HR Team will be present to offer advice on the procedure.

A written reply to your formal grievance will be supplied within 5 working days of the meeting.

3rd Stage - appeal

If you are still not satisfied that your concerns have been properly addressed and satisfactorily resolved, you may appeal to the Chair of the Council's Employment Committee, who will appoint a panel of three Members to hear your appeal. You may only appeal if you have already exhausted the previous stages (unless in exceptional circumstances it is agreed by all parties that matter should progress to the third stage).

Your appeal should be submitted, in writing, within 10 working days of the date you were informed of the outcome of the 2nd stage hearing. You will then be invited to attend a meeting with the appeal panel. You have the right to be accompanied by a fellow worker or trade union official.

A written reply to your appeal will be supplied within 5 working days of the meeting.

The decision of the Appeal Hearing Chair is final.

The grievance hearing

Both 2nd and 3rd stage hearings follow the same format. Grievance hearings should be as informal as possible, and allow all parties to put their cases clearly and fully.

This section, therefore, gives guidance rather than setting out an unchangeable agenda.

The suggested format is:

- The hearing Chair introduces the parties and explains the process
- The aggrieved employee or his/her representative outlines the issue(s)/concern(s) and should say how they think it can be settled.
- (If appropriate) the person against whom the grievance is made or his/her representative puts his/her case
- The Chair summarises the issues
- The meeting adjourns to allow the panel members to reach their conclusion
- The conclusion is communicated to the parties – either orally, followed up in writing, or in writing within 5 working days.

Everyone involved will have the opportunity to ask questions or request further information.

Adjournments

If it becomes evident that more time is needed to gather further information/interview witnesses or other colleagues or to clarify facts, then the Chair may declare an adjournment. Any of the parties involved may request an adjournment, and such a request will not be unreasonably refused. A re-convened hearing after an adjournment constitutes a continuation of that hearing, and is not a second hearing.

Keeping Records

It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Records will include:

- The nature of the grievance
- A copy of the written grievance
- The employer's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome
- Subsequent developments

Records will be kept in confidence and in accordance with the Data Protection Act 1998

A copy of the transcript of all meetings will be provided to the manager and the employee. This should be checked and signed by the employee to confirm that it is an accurate reflection of the meeting.

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