

People Framework

Grievance Procedure



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Service			

Revision History

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Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

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1. Informal Stage

The Council believes that all employees should be treated fairly and with respect. Where an employee has a complaint or issue arising from their employment, they should, wherever possible, raise the matter with their manager using the Grievance Form. Grievances will not be considered if they are raised more than 3 months after the incident. Any decision that an issue will not be considered on the grounds that it is out of time will be made by the manager, after receiving advice from HR.

If the grievance relates to the employee's manager, the employee should raise their concerns with the next line of management or with HR. Where this happens, HR will seek the employee's consent to make the employee's manager aware of the complaint. It is the responsibility of the manager who has received the complaint to notify the subject of the complaint and to keep them informed throughout the process.

The manager with whom the grievance has been raised will meet with the employee as soon as possible to discuss the matter. The manager will listen to the employee's concerns and try to establish the facts surrounding the issue. Any meeting(s) at this stage will involve the employee and manager only. The Grievance Form will form the basis of the informal meeting and any necessary investigations and should include:

- A clear, detailed explanation of the issue
- Factual evidence to support the complaint
- An indication of the outcome/resolution that is sought (e.g. an apology, a change within a process, the opportunity to access a specific development opportunity, etc.)

In addition to meeting informally with the employee, it may be necessary for the manager considering the grievance to gather further evidence so that they can better understand the issue. Where this is the case, the Council's Investigation Procedure will apply.

The manager will ensure that the details of the informal meeting are recorded on the Grievance Form, including:

- The date the issue was raised
- The date of the meeting
- The nature of the grievance
- A summary of the discussion
- Reference to other processes, e.g. Investigation, Mediation
- Any advice given
- The outcome and reasons for this decision

Managers must seek HR advice where appropriate to ensure consistency and fairness with the informal process.

The manager will confirm the outcome of the informal stage to the employee within 7 calendar days of the meeting and provide them with a copy of the completed Grievance Form.

2. Formal Stage

If the employee feels that the matter has not been resolved satisfactorily through informal discussions, they may progress the matter to the formal stage by completing the Grievance Form and submitting it to the next line of management. The form must be submitted within 7 calendar days of the employee receiving the outcome of the informal stage. (Link to Grievance Form)

Where a formal stage Grievance Form or other written notification is not received within 7 calendar days of the employee receiving the completed informal grievance form, it will be taken that the grievance has been settled, unless the delay has been expressly agreed with the manager who dealt with the complaint at the informal stage. In some circumstances, it may be appropriate for a grievance to be handled formally without the requirement for discussions at the informal stage. This will be decided on a case-by-case basis by the manager who has received the complaint in consultation with HR.

It is the responsibility of the manager who has received the complaint to notify the subject of the complaint and to keep them informed throughout the process. Within 7 calendar days of receiving the formal grievance the employee will be invited to a Hearing to discuss the issue and seek a resolution. The Hearing will be conducted in line with the Council's Hearing Procedure. Where necessary, the Chair may decide to adjourn the Hearing to gather further evidence to ensure their full understanding of the issue. Where this is the case, the Council's Investigation Procedure will apply.

Where the grievance is wholly or partly raised against another employee, the individual will be made aware of the complaint and given the opportunity to respond. Where appropriate the Investigating Officer will provide a copy of the complaint and invite the subject of the grievance to attend an investigatory meeting with the right to be accompanied. Managers are responsible for ensuring that both the employee who has raised the grievance and the subject(s) of the grievance are kept informed of progress at each stage.

If at any point in the investigation or Hearing the Chair decides that the grievance is unfounded, vexatious or trivial, they may decide to dismiss the grievance without further investigation of the facts. In these circumstances the Chair will seek advice from HR and the matter may be referred to the Council's Disciplinary Procedure.

On completion of the investigation, the Chair will invite the employee who has raised the grievance to attend a Hearing in line with the Council's Hearings Procedure.

3. Dignity at Work

Any employee who considers that they have been subjected to bullying, harassment or victimisation should seek to address the matter informally in line with the Council's Dignity at Work Procedure.

Where a formal complaint is submitted of harassment, bullying or victimisation, actions will be taken in line with the formal stage of this procedure.

4. Types of Grievance

Collective Grievances

Collective grievances may be raised in the event of an industrial dispute between the Council and a group of its employees or where there is disagreement between different groups of the Council's employees.

A collective grievance must be submitted in writing directly with the Head of HR & OD using the Grievance Form. The Head of HR & OD will convene a meeting with the appropriate parties to discuss the complaint.

If multiple employees raise the same/similar concerns regarding an individual employee, these will be dealt with as a collective grievance.

If a number of employees raise separate/unrelated grievances against the same individual, these will be dealt with as individual grievances.

Where agreement is reached, written outcomes will be provided to all parties by the Head of HR & OD. The Head of HR & OD will engage the relevant Head(s) of Service in this process as appropriate.

Where there is failure to agree, Head of HR & OD will make the final decision and this will be confirmed in writing to all parties. In reaching this decision the Head of HR & OD will consider the following:

- Mediation
- Involvement of the Chair of the Staff Consultative Group
- Conciliation by ACAS

The Head of HR & OD will determine and make arrangements in this respect.

Post-employment Grievances

Post-employment grievances may be raised by former employees up to three months after the occurrence of an incident which gave rise to the complaint.

Post-employment grievances will be considered through written communication. In some circumstances it may not be appropriate for the Council to deal with a post-employment grievance. Where this is the case, the Council will inform the former employee of this decision in writing.

Grievance – Chief Executive

Where the grievance is against the CEO or from the CEO, the grievance will be heard by the Chairman of the HR Panel. The grievance should be submitted to the Chairman of the HR Panel and the Chairman will set up the

grievance Hearing within 7 calendar days. (Link to EEBC Constitution, Part 4, Section 7)

Grievance – Councillors (Lifted from Council’s Constitution Part 5, Section 3, Number 6)

Where a Member considers that he or she has not been treated with proper respect or courtesy by an Officer, or is otherwise concerned with the performance of an Officer, the Member should first discuss the complaint with the relevant Group Chairman or Leader. If the Member wishes to pursue the matter as a formal or informal complaint, they should complete and submit a complaint form to the Chief Executive (which will be available from the Chief Executive). The complaint will remain confidential and cannot be discussed with, by, or with the relevant Group Chairman or Leader. As the Head of Paid Service, (the Chief Executive) has responsibility for staff and will take such action as is appropriate.

If an Officer considers that he or she has not been treated with proper respect or courtesy by a Member, he or she should raise the matter with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate. This protocol does not affect the rights of Officers and Members to raise the matters via the Council’s usual procedures in cases where such processes apply.

5. Considerations when investigating a Grievance

Mediation

Consideration may be given to whether independent mediation would assist either before or after the Hearing. It is the responsibility of the Chair to ensure that this has been considered. (Please refer to the Council’s Mediation Procedure).

Suspension

There may be instances where it is necessary to suspend an employee whilst investigations are carried out. It is important to note that suspension is a precautionary measure, does not constitute formal action and does not itself imply any presumption of guilt on the part of the employee. Where harassment, bullying or victimisation is alleged, it will be the employee who is the subject of the complaint who is suspended or temporarily transferred to a different work location or asked to work from home where such actions are considered necessary. All suspensions will be conducted in line with the Councils Suspension Procedure.

6. Grievance and other procedures

Where an employee raises other concerns, e.g. whistleblowing, during the grievance procedure, these concerns will be considered separately in line with the relevant procedure unless the issues are specifically linked to the complaint itself.

Where a grievance is submitted during the disciplinary process, the Chair of the Disciplinary hearing will determine whether to suspend the disciplinary

procedure in order to investigate the complaint or whether the two issues should be dealt with concurrently.

Where a grievance connected to the unacceptable behaviour of another employee is upheld, the Council's Disciplinary Procedure will apply.

7. Disability

Where there are indications that the Grievance process is impacting on an employee's physical/mental health, or where an employee has an existing health condition, the Council will consider any reasonable adjustments which may be required to support the employee. Where appropriate the manager, with HR advice, will signpost the individual to the Council's Employee Assistance Programme and consider suggesting that the individual seeks advice from their GP and/or the Council's Occupational Health provider.

8. Sickness absence during the Grievance procedure

Where a grievance is raised and either party subsequently takes leave of absence on grounds of sickness, the Council will continue with the proceedings as far as possible in their absence. Consideration will be given to the individual's wellbeing and whether resolution of the grievance may assist their recovery. OH advice will be sought. In the event of long-term sickness, how to proceed with a grievance will be determined on a case by case basis. The Chair must seek advice from HR.

9. Documentation and Disclosure

The investigation report and any other documents (e.g. witness statements) will be made available to the employee who has raised the grievance and the subject of the grievance as appropriate by the Chair.

HR advice must be sought when considering the disclosure of any witness statement/s where witness wishes to remain anonymous. In certain circumstances some information may be withheld. The Chair, in consultation with HR, will decide whether it is reasonable in the circumstances to disclose a witness statement or other documents.

10. Confidentiality and Data Protection

At each stage of the grievance procedure, all parties must respect confidentiality and should not discuss any aspect of the grievance with other parties who are not involved in the process.

The Council processes personal data collected in respect of informal complaints and during the formal grievance procedure in accordance with its Data Protection Policy. Data collected in relation to informal complaints and during the formal grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with in line with the Council's Disciplinary Procedure.

11. Appeal

Where an employee is dissatisfied with the response to their grievance at the formal stage, they have the right of appeal. Appeals should be submitted in line with the Council's Appeals procedure.

12. Redeployment

Where there is evidence of an irretrievable breakdown in relationships, it may be appropriate to consider the redeployment of one of the individuals within the Council. It should be noted that redeployment is only an option where suitable alternative employment is available.