

GRIEVANCE PROCEDURE

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GRIEVANCE PROCEDURE – STAGE ONE

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GRIEVANCE PROCEDURE

1. Introduction

The Council recognises that from time to time employees may wish to express a grievance relating to their employment. In this respect, the Council's policy is designed to encourage free communication between employees and their supervisors or managers to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly.

Whilst this is a formal procedure, all employees are expected to raise any initial concerns on an informal/verbal basis, with their supervisor/line manager under Section 4 of this procedure, before deciding whether it is appropriate to use the full procedure.

2. Scope

This policy and procedure shall apply to all employees of the Council. There are separate additional procedures for the Chief Executive and Officers appointed under the Conditions of the Joint National Council for Chief Officers of local authorities in the event of a serious grievance, however, the principles of this policy remain.

The aim of this policy is to ensure consistent and fair treatment for all.

3. Principles

This procedure is not applicable to grievances relating to the following matters, which should be addressed through their relevant and separate procedures:

- (i) the grading or re-grading of a post;
- (ii) disciplinary matters;
- (iii) the rules of the Pension Scheme.

Where an employee wishes to raise concerns with regard to perceived malpractice or believes the interests of others or of the Council are potentially at risk, the Whistleblowing Policy should be used.

Where an employee believes that they have been subjected to harassment, the Harassment Policy should be initially followed.

This procedure enables full discussion of issues surrounding grievances, relating for example, to breaches of defined working practices, terms and conditions of employment, health and safety matters, organisational changes, etc. This list is not exhaustive.

An employee has the right to be either accompanied by a work colleague, or represented by a trade union official, at each stage of the procedure, including the informal stage.

Whilst the consideration of a grievance is a line management responsibility, the Head of Human Resources may be consulted at the discretion of the supervisor/manager concerned. A Personnel Officer may be present, if requested by either party, at each stage of the procedure.

Until all steps of the procedure have been exhausted, the status quo shall apply. For this purpose, the status quo is:-

“in the event of any grievance arising which cannot be immediately settled, then whatever practice was in place before the grievance was lodged shall continue until the agreed procedure has been exhausted”.

Where more than one employee is aggrieved, but the question remains specific to a department, this procedure shall still be applied.

Where more than one employee is aggrieved and it is not specific to one department, consideration will be given to whether it should be separately resolved with the trade unions.

Where it is not possible to either meet or respond within the specified time period set out within this procedure, the employee should be given an explanation and told when the response can be expected.

Timescales can also be brought forward (for example, at Stage Three of the procedure), where all parties are in agreement.

Depending on the supervisory structure and/or the nature of the complaint, it may be necessary for a supervisor/manager to refer the question to a higher level. In this case, the employee shall be informed of the action being taken by the supervisor together with any timescales involved.

Where, because of limited supervisory/managerial reporting levels, all of the stages of the procedure cannot be followed, the employee will be informed by their manager as to which stage the grievance is being considered.

Where an employee intends to appeal against a decision, the original issue(s) will stand alone and no additional issues can be introduced at a later stage in the procedure.

All grievances should be handled promptly and confidentially. Copies of all relevant correspondence and documentation relating to the grievance, should be sent to the Head of Human Resources marked 'Private and Confidential' to be placed on the employee's personal file.

Copies of this document and the relevant forms can be found on the Council's intranet site, through the relevant Directorate Administrative Officer, or from the Personnel Section.

4. Informal Stage

All grievances should be considered informally wherever possible. A discussion between an employee and line manager is often the best way to proceed.

Whilst the formal stage of the procedure requires the grievance to be made in writing, the informal stage can be a low key discussion where the employee can raise their concern.

The line manager, at this initial meeting, should provide an immediate verbal response wherever possible. A file note of the discussion and the outcome should be made by the manager and given to the employee. A further copy should be placed on the personal file.

Where a grievance cannot be resolved informally, then the formal grievance procedure should be initiated.

5. Formal Procedure

5.1 Stage One

Where an employee remains aggrieved after previously discussing the matter on an informal basis, or they do not believe it is appropriate to discuss the matter with their immediate line manager, (because the grievance may relate to that person), they should complete form GP1 and forward it to the appropriate Section Head. The employee should retain a copy of the form.

On receipt of Form GP1, the Section Head (or other senior nominated Officer) should, within 5 working days, arrange a meeting with the employee and their representative. The Head of Human Resources should be advised of this meeting.

The decision of the Section Head should be conveyed orally as soon as possible, and confirmed in writing within five working days. The employee should also be advised of their right of appeal to the next stage of the procedure, within five working days of receipt of the letter.

5.2 Stage Two

If the employee is still dissatisfied, they should complete and forward the form GP2 to the relevant Chief Officer, or nominated deputy, ie. Head of Service, stating the reason for the appeal and the outcome they are seeking. The employee should retain a copy of the form.

On receipt of form GP2, the Chief Officer should, within seven working days, arrange a meeting with the employee and their representative and the relevant supervisor/manager where appropriate, to discuss the grievance.

The decision of the Chief Officer should be conveyed orally as soon as possible, and confirmed in writing within five working days. The employee should also be advised of their right of appeal to the next stage of the procedure, within five working days of receipt of the letter.

5.3 Stage Three

If the employee still feels their grievance has not been satisfactorily resolved, and wishes to exercise their right of appeal, then this must be done by completing and forwarding form GP3, to the Head of Human Resources, within five working days of receipt of the written response from the Chief Officer. The employee should retain a copy of the form.

The written notice of appeal must make clear the reason for the appeal and the outcome that the employee is seeking.

The appeal under Stage Three will be heard by the Licensing and Appeals Committee and should be held at its next appropriate meeting. The employee will be given at least seven working days notice, in writing, of the date of the hearing, and shall have the right to be accompanied by a work colleague or represented by a trade union official.

All relevant paperwork and documents which the employee wishes to rely on at the appeal, should be submitted to the Head of Human Resources within seven working days of making the appeal request.

Correspondence which the Chief Officer or other nominated deputy wishes the committee to consider, should also be submitted to the Head of Human Resources within seven working days of receipt of the appeal request.

Evidential papers should only relate to the material which has previously been used at each of the previous stages of the procedure.

Agenda papers containing all relevant documentation to be considered by the Licensing and Appeals Committee will be sent out to both parties in accordance with the normal dispatch of committee papers (normally five working days before the meeting).

The employee will be allowed reasonable time before the hearing to meet with their representative to prepare their case.

The Chair of the Licensing and Appeals Committee can request the attendance at the meeting of the Chief Officer and/or other Senior Officer who considered the grievance at earlier stages of the procedure.

The purpose of the grievance appeal hearing is to enable the Licensing and Appeals Committee to consider all available information fully, fairly and impartially.

At the conclusion of the hearing, the committee will review all of the evidence and decide whether or not to uphold or amend the previous decision at Stage Two. The decision should be conveyed orally at the meeting, and confirmed in writing by the Head of Legal Services immediately after the decision.

The decision of the committee will be final in respect of the Council's appeal procedure for employee grievances.

6. REHEARINGS

Where an employee wishes to appeal because relevant additional material, e.g.

witnesses, witness statements, other documentary evidence, etc. has come to light which was not available at the time of the earlier meeting, but which had it been available, might have led to a different decision being reached, then the appeal will be reconsidered by the line supervisor/manager, Head of Service or Chief Officer (or other nominated Deputy) who previously heard the grievance at the relevant stage of the procedure, to decide whether the information is sufficiently relevant for the meeting to be reconvened.

An employee is entitled to appeal only once on the grounds of additional information, not at each stage of the procedure. A rehearing is not available at Stage Three of the procedure.

Where a meeting under any stage of the procedure (other than at Stage Three) is reconvened, the relevant manager/Head of Service etc after reviewing all of the information may decide to uphold or amend their earlier decision.

The decision should be conveyed orally as soon as possible, and confirmed in writing within five working days of the date of the decision. The employee should also be advised of their right of appeal to the next stage of the procedure, within five working days of receipt of the letter.

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GRIEVANCE PROCEDURE – STAGE ONE

For completion by the Employee:	
Employee's Name	
Job Title	
Directorate	
Brief Outline of Grievance: (Please attach additional sheet where necessary)	
Outcome sought:	
I confirm that I have / have not previously discussed this matter on an informal basis with my immediate supervisor/line manager on date:	
Signed (employee)	
Date	

For completion by Section Head	Date grievance received:	
Notes of meeting: (Please attach additional sheet where necessary)	Date of meeting:	
Outcome of meeting:		

Copy of written reply to employee must be attached

Section Head Signature	
Employee's Signature	
Union Rep Signature (if applicable)	

**Copies of completed form to be sent to:
Head of Human Resources marked 'Private and Confidential'**

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GRIEVANCE PROCEDURE - STAGE TWO

For completion by the Employee:	
Employee's Name	
Job Title	
Directorate	
Copy of GP1 attached YES/NO	

Reason for Appeal:
(Please attach additional sheet where necessary)

Outcome sought:

Signed (employee)	
Date	

For completion by Chief Officer (or other senior nominated officer)	Date appeal received:	
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Notes of meeting: (Please attach additional sheet where necessary)	Date of meeting:	

Outcome of meeting:

Copy of written reply to employee must be attached

Chief Officer's Signature	
Employee's Signature	
Union Rep Signature (if applicable)	

Copies of completed form to be sent to:
Head of Human Resources marked 'Private and Confidential'

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GRIEVANCE PROCEDURE – STAGE THREE

*This form should be sent to the Head of Human Resources marked
Private and Confidential*

For completion by the Employee:

Employee's Name	
	* Date letter received (confirming outcome of Stage Two decision by Chief Officer)
This form must be received by the Head of Human Resources within five working days of the above date	

Reason for appeal to Licensing and Appeals Committee against Stage Two decision: (Please attach additional sheet where necessary)

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Outcome sought:

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Copy of completed forms attached:	GP1 Yes/No		GP2 Yes/No	
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Signed (employee)	
Date	

***This form must be received by the Head of Human Resources,
T within 5 working days of receipt of the Stage Two decision
letter.**

For Personnel use only:

Date received by Head of HR	
Date passed to Head of Legal Services	
Date letter sent to employee confirming receipt of GP3 form	
Initials	

A copy of this form should be retained by the employee