

Grievance Procedure

June 2016

1. The Grievance Procedure

- 1.1 The ACAS Code of Practice on Disciplinary and Grievance procedures sets out practical guidance and principles for handling grievance situations in the workplace.
- 1.2 Rules and procedures are necessary for promoting fairness and equality in the treatment of employees. The procedure set out in this document is not intended to replace normal day to day responsibility for required standards of conduct in the performance of employee duties.
- 1.3 This procedure also covers occasions where issues of bullying and harassment have potentially occurred. The Council are responsible in law for the acts of their workers and may also be liable for acts of bullying and harassment by third parties.
- 1.4 In general, all employees should ensure that they treat everyone they meet in the course of their work with respect and dignity. They should always try to ensure that their conduct does not cause offence or misunderstanding to others.
- 1.5 All employees have a personal responsibility under this Procedure and can all play a part in creating a working environment in which everyone feels valued and respected and able to make a full contribution by:
 - Valuing the differences in our colleagues.
 - Treating all our colleagues with dignity and respect.
 - Being aware of the existence of unfair discrimination, bullying and harassment and its impact.
 - Making sure our conduct does not cause offence or misunderstanding.
 - Taking part in relevant briefings, training or workshops
 - Referring any experience of bullying or harassment appropriately

2. Principles

- 2.1 The Grievance Procedure confirms that employees may raise issues with management about their work, employer, clients or fellow workers' actions that affect them. It is not feasible to provide a comprehensive list of issues that might give rise to a grievance but some examples may include; health and safety, relationships at work, new or existing working practices, organisational changes, discrimination, and bullying and harassment.
- 2.2 Feedback from a manager on an individuals work performance and/or behaviour differs from bullying in that it is intended to assist staff to improve work performance and/or the standard of their behaviour. Should an employee have performance issues, these will be identified and dealt with under the Supporting Employee Procedure

- 2.3 Employees should preferably keep a written record of any incidents related to a grievance including the date, time, nature of the incident(s), the names of those involved and the names of any witnesses who were present. Employees should then raise their complaint at the earliest opportunity either informally or formally as outlined below. The route they decide to follow will depend on the individual circumstances.
- 2.4 All complaints, whether formal or informal, will be taken seriously and, where necessary, investigated promptly. The investigation will be objective and will be carried out with sensitivity and respect for the individual's rights, the rights of any other employee related to the grievance and any witnesses. Support will be given to the employee affected and no employee should be treated unfairly following a complaint. All conversations, written evidence and general dealings will be strictly confidential. Breaches of confidence may lead to disciplinary action.
- 2.5 Where an employee makes unfounded allegations that are thought to be potentially malicious, then this in itself may be deemed as bullying or harassing behaviour and may result in disciplinary action being taken.

3. Informal Stage

- 3.1 Should an employee have a grievance or complaint about any matter connected with their employment or place or work, they should in the first instance discuss the matter on an informal basis with their immediate line manager. The manager will discuss the concerns of the employee in confidence, make necessary investigations, and attempt to resolve the matter speedily and fairly.
- 3.2 Most concerns and grievances can best be resolved informally by discussion between the employee and their line manager. However, if the concerns or grievances relate to potential bullying or harassment from their own line manager, they may either discuss the situation with an alternative manager, the Director of Place (as the nominated Whistleblowing Officer for the Council) or a member of the HR team. However, in some circumstances it is acknowledged that an employee may prefer to speak with someone else, e.g. with someone of the same gender or ethnicity. Whoever receives the informal grievance however must ensure that the issues raised are appropriately investigated.
- 3.3 After the matter has been investigated, the Manager/Investigating Officer will meet with the employee to discuss the outcome of their findings.
- 3.4 However, if the informal complaint is felt to be serious it will be fully investigated under the Council's Disciplinary Procedure.
- 3.5 It is good practice to allow the employee to be accompanied by either a work colleague or a Trade Union representative at any stage of the informal process.

4. Stage 1 – Raising a Formal Grievance

- 4.1 Should an employee not be satisfied that the matter has been resolved informally or would prefer to deal with the matter on a more formal basis, the employee should write to their manager or a more senior manager outlining the reasons for their grievance and what they wish to achieve as an outcome.
- 4.2 Where the formal grievance relates to the employees' line manager, the written grievance should be submitted to the manager or director to whom the employees' manager reports. If the grievance is of a very sensitive nature, the employee may wish to direct their grievance to the HR department in the first instance who will advise them on how best to proceed.
- 4.3 The manager to whom they have raised the complaint will ensure that a prompt, fair and thorough investigation is carried out with all parties involved if appropriate
- 4.4 A formal meeting will be arranged for the employee to discuss the grievance with the Investigating Officer and how the employee would like the grievance to be resolved. The employee has the right to be accompanied at the meeting by a trade union representative or colleague. The meeting may be postponed, at the request of the employee if their chosen companion is not available to attend on the date set for the meeting in question. The meeting will be rearranged within 5 working days of the original meeting date.
- 4.5 Investigation meetings will take place with all available witnesses (which will be recorded in writing and signed by the witnesses) and will include:
 - Dates, times and the place of each alleged incident
 - The witnesses' opportunity to record clearly and accurately the relevant events.
- 4.6 Consideration will be given as to whether a witness has any reason to fabricate evidence whether from a personal grudge or any other reason in principle. Anonymity of witnesses may be preserved but if by so doing, the allegations are made impossible to answer, the witnesses' names will be released. They will be informed where this is the case. All witnesses and relevant parties should not discuss the matter with other employees, customers or anyone connected with the Council during and after the investigations. Appropriate confidentiality will be maintained at all times.
- 4.7 An alleged bully/harasser will be given an opportunity to understand the allegations and put their side of the case forward with any supporting evidence. They will be allowed to be accompanied at this meeting by either a Trade Union representative or work colleague.

- 4.8 Consideration will be given as to the suitability of the employee working with any alleged bully/harasser until the matter is resolved. This may involve a temporary transfer to another team, however any proposed action will be fully discussed with the employee in advance.
- 4.9 The findings of the grievance investigation will then be considered by the Investigating Officer and a formal outcome reached. In cases of potential bullying and harassment, this will include consideration as to whether a formal disciplinary hearing is required. Alternatively, the outcome may recommend informal actions in order to resolve the situation, such as mediation between both parties. The employee will receive a written response to the investigation, which will outline the findings and explain their right of appeal. Consideration will also be given if it is felt that the outcome be delivered in person in addition to the written response.

5. Stage 2 – Grievance Appeal Hearing

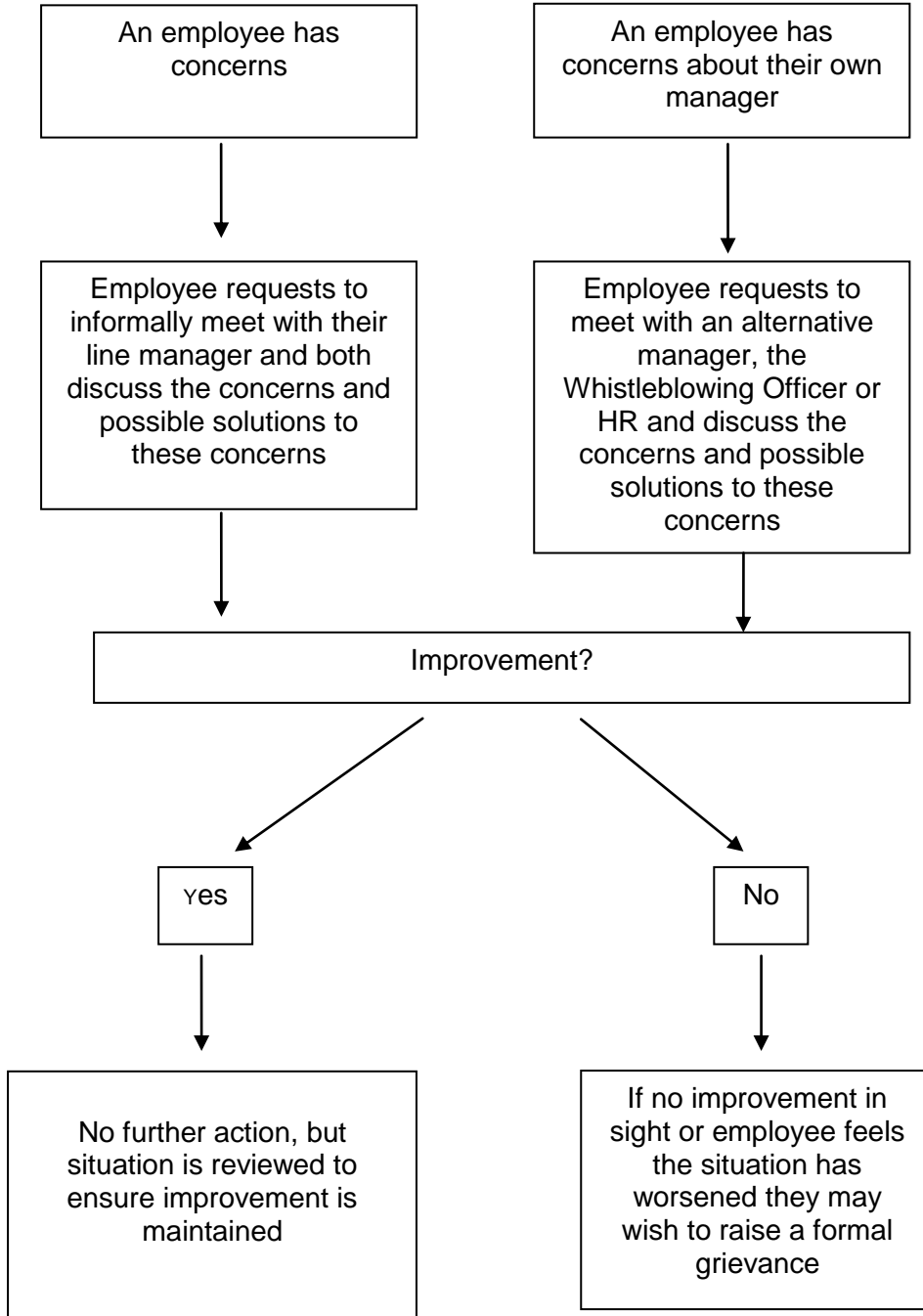
- 5.1 Should the employee wish to pursue their grievance to an appeal, this should be submitted in writing to the Strategic Manager – People, Performance & Assets within 5 working days following written receipt of the outcome of the stage one meeting. The appeal should include their reasons for appealing, and what they wish to achieve from the appeal.
- 5.2 The appeal hearing will take place as soon as possible and within 21 working days of receipt of the employee's written notice of the appeal. The appeal will be heard by a senior manager who has not been involved in the initial investigation and supported by a member of the HR team.
- 5.3 During this meeting, the employee will have the opportunity to put forward their reasons for raising an appeal. The panel will subsequently make their decision and confirm it in writing within the next 5 working days. This decision will be final.

6. Employee Support

- 6.1 Employees can take the opportunity at anytime to contact the confidential 24 hour employee support helpline on 0800 328 8602 quoting reference number BDC0001/04

Should further support be needed, employees should contact their manager in the first instance or the HR team.

Grievance Procedure – Informal



Grievance Procedure – Formal

