

Grievances Procedures

Introduction

- 1) A grievance is a formal expression of an employee's dissatisfaction with some aspect of their employment with the Council. The following procedures aim to give clear guidance to the grievance process. We will always try to settle a grievance as quickly as possible.

Principles

- 2) A key principle behind the grievance procedure is the setting and maintaining of the standards an employee has the right to expect from the organisation.

Standards are communicated via a number of mechanisms such as:

- i) Staff hand book
 - ii) Recruitment packs
 - iii) Information provided at interview
 - iv) Induction
 - v) One-to-one discussions
 - vi) Appraisals
 - vii) Policies and procedures
 - viii) Updates
- 3) The other key principle is one of natural justice. All parties involved will ensure the grievance procedure is used both fairly and equitably. The procedures try to provide a full range of guidance but there will always be circumstances they do not cover. Common sense and clear communication are key requirements of making these procedures effective. The procedures are based on the ACAS code of practice.

What is a Grievance?

- 4) A grievance is a formal statement of dissatisfaction with some aspect of a staff member's employment. Examples of a grievance include:
 - i) Disagreement about a contract
 - ii) Treatment by a manager
 - iii) Failure to allow a normal entitlement (e.g. leave)
 - iv) Bullying/Harassment
 - v) Discrimination

This list is not exhaustive.

What is not a Grievance?

- 5) Most things about staff's employment are considered as legitimate issues for raising a grievance. The following are not generally considered as legitimate grievances, again this list is not exhaustive:
 - i) A post's grade.
 - ii) An incremental point within that grade.

These are usually dealt with by the job evaluation process.

First Stages – Informal discussions

- 6) It is always best to try to sort out a grievance before it is made formal (if possible). Usually management and HR will discuss the issue with the employee informally to try and resolve the situation. This is not to “cover up” issues; it is simply in everyone’s interests to try to resolve issues before they become formal. It does not stop the employee raising or continuing a grievance by the formal route if this does not result in a satisfactory outcome. However, there are times when a grievance is beyond an informal solution and the only option is a formal meeting. This informal discussion is not part of the grievance procedure.

Formal Meeting

- 7) Should the employee wish to pursue the formal grievance route, they will need to state their grievance in a letter (if they have not already done this). This should be sent to HR. In this letter they should state what their grievance is and ideally what remedy they are seeking. Simply stating a grievance and not identifying any remedy does not help the organisation address the issues.

Formal Meeting - Notification Letter

- 8) The employee will receive a letter from HR with the date arranged for the grievance meeting which will normally be conducted by an Executive Director. Once this meeting date is set, an earlier date will be set by HR for submission of papers. This is to enable the Executive Director (and both sides) to read any evidence before the meeting (allowing the opportunity to prepare questions about this evidence and saving much time in preliminary reading). Papers submitted will be distributed to all parties shortly after this date. This date is very important as the Executive Director can refuse to have information submitted after this. Both sides will also be asked to identify any witnesses they wish to be called.
- 9) In a formal grievance meeting the staff member has the right to be accompanied by a companion. This companion can either put the case for the staff member, or simply be there to support and advise them. The Executive Director will ask for their role to be identified at the start of the meeting and in particular who will be presenting the case (it cannot be both the companion and staff member). The companion cannot answer questions on behalf of the staff member or prevent the employer from explaining their case and the request for a companion must be a reasonable one.

Companions can be:

- Another member of staff (or manager).
- A local union representative.
- An area union representative.

Companions cannot be:

- From outside the organisation (unless an area union representative).
- Friends or Family (unless a member of staff).
- A legal representative (unless a member of staff).

Employees are strongly advised to have a companion.

Meeting Procedure

- 10) The Executive Director will conduct the meeting and will be responsible for deciding the outcome of the grievance. The Executive Director will be supported at the meeting by a representative from HR. There will be an introduction in which the Executive Director will set out the procedure for the meeting which will normally be:
- i) Introduction in which the Executive Director will set out the procedure for the meeting.
 - ii) The staff member (or companion) will be asked to put their case.
 - iii) The manager will be given the opportunity to question the staff member's case.
 - iv) The Executive Director will be able to question both sides.
 - v) The manager will be asked to put his/her case.
 - vi) The staff member (or companion) will be given the opportunity to question the manager's case.
 - vii) The Executive Director will be able to question both sides.
 - viii) Both sides will be asked to sum up their case (Staff member/companion first).
 - ix) There will be an adjournment after which the Executive Director will give his/her decision. Where necessary the Executive Director may adjourn the meeting for a longer period in order for further investigation to be carried out or to allow for further deliberation. Where further investigation takes place both sides will be given the opportunity to comment on any new information disclosed.

Staff, management or the Executive Director can ask for reasonable short adjournments to have private discussions at any time in the meeting.

Procedural Issues

- 11) Some procedural clarification is helpful for all involved.

A meeting will be arranged, where possible, between 5 and 20 working days of the grievance letter. Any appeal will be arranged within 20 working days of the request to appeal. These timescales can be varied with mutual agreement.

If the employee cannot reasonably attend a grievance meeting, another meeting will be arranged, to take place within 5 working days of the original date, where possible. This timescale may be extended with mutual agreement.

The Executive Director may, at any stage, in consultation with HR, arrange for an investigation to be carried out into the grievance.

Witnesses are often called to the grievance meeting and can be asked questions about the issues. Where witnesses are called by either side a statement should be prepared before the meeting by the party calling the witness, which should be

included in the documents submitted, and which should be read out as part of the meeting.

Notes of any grievance meeting should be taken by HR and should be circulated as soon after the meeting as is possible.

Where the Executive Director is unable to conduct a grievance meeting he or she may authorise another Service Manager to deal with a grievance. There are circumstances where an Executive Director will be unavailable and it is accepted that in these situations a substitute will be arranged.

There are circumstances where the disciplinary procedures could be considered as part of the outcome of a grievance meeting. This may also cover situations when there is clear evidence of malicious/false accusations.

A grievance cannot be continued once it has been fully heard, or put under a different heading or process. HR will advise if this appears to be the case.

Outcome

- 12) Where possible the Executive Director will give a decision at the end of the meeting. This will be followed up by a written statement (after the meeting) of the outcome. There are likely to be three possible outcomes:
 - i) The grievance will be fully upheld.
 - ii) The grievance will be partially upheld.
 - iii) The grievance will not be upheld and there will be no further action.

Should the grievance be upheld/partially upheld then a remedy will be considered and put forward as part of the outcome.

Appealing

- 13) The staff member can appeal against the outcome of a grievance meeting. To appeal they should write to HR within 5 working days of the written statement stating their grounds for appeal. Another Executive Director or Service Manager will hear the appeal. He/She can uphold the decision or change the outcome. The same procedural rules apply.

Grievance Flow Chart

Stage	Process	Possible Outcomes
Informal Approach	<p>Management have informal meeting/s with staff member to explore issues</p> <p>May involve HR at this stage.</p> <p>No companion is allowed (it is a management meeting)</p> <p>Informal approach offered first, but may be refused and move straight to formal.</p>	<p>No Issue</p> <p>Some issues identified and resolved</p> <p>All issues agreed and resolved</p> <p>Informal approach considered unsuccessful and staff member wishes to move to formal grievance.</p>
If Informal Approach unsuccessful or refused		
Formal Grievance Meeting	<p>Meeting with Executive Director</p> <p>Usually presented by Management</p> <p>Can be presented by Audit or HR</p> <p>Staff entitled to a companion.</p>	<p>No case to answer</p> <p>Some issues identified and resolved</p> <p>All issues agreed and resolved</p> <p>Referral to Disciplinary Process.</p>
Appeal Meeting	<p>Meeting with another Executive Director</p> <p>Usually presented by Management</p> <p>Can be presented by HR</p> <p>Staff entitled to a companion.</p>	<p>No case to answer</p> <p>Some issues identified and resolved</p> <p>All issues agreed and resolved</p> <p>Referral to Disciplinary Process.</p>