

HUMAN RESOURCES POLICY STATEMENT

GRIEVANCE PROCEDURE

1. **The Council's Aim**

- 1.1 Our aim is to enhance the Council's reputation as a good employer and we recognise that occasionally employees may wish to raise issues or concerns about their employment.
- 1.2 This procedure aims to provide a framework for employees and managers to fairly and promptly resolve any issues or concerns (grievances), including bullying, harassment, or victimisation.
- 1.3 In most cases managers and employees will work together to resolve minor grievances without needing to use the formal procedure.
- 1.4 This procedure does not apply to issues/decisions:
 - That took place over three months ago.
 - That were taken under any other procedure (local or national).
 - Where the employee has a right of appeal over which the Council has no discretion or is covered by statute.
 - That have previously been considered under this or any other procedure.

2. **Key Principles**

- 2.1 Managers are expected to be familiar with the Council's Officers Code of Conduct and the operation of this procedure.
- 2.2 Managers will informally address minor grievances before using the formal procedure (see paragraphs 4.4 to 4.8).
- 2.3 Employees should raise issues or grievances with their immediate manager, or if the issue or grievance is about their manager then they should raise their concerns with their manager's line manager or Human Resources (HR).
- 2.4 Managers will ensure all staff are treated fairly and consistently and that their decisions are not discriminatory.

- 2.5 Once a grievance has been submitted, additional information cannot be considered, except with the agreement of both parties.
- 2.6 If a grievance is found to have been raised maliciously, then the responsible individual(s) may be subject to formal disciplinary action.
- 2.7 Managers will notify employees in advance (and within agreed timescales) of formal meetings and their right to be accompanied by a trade union representative or workplace colleague.

A separate policy for dealing with Dignity at Work identifies this grievance procedure as a key element in investigating and addressing such behaviour.

3. Who is covered by this Policy?

- 3.1 This policy applies to all employees except the Chief Executive, Chief Operating Officer, Monitoring Officer, and Statutory Officers for whom procedures already exist.

4. Grievance Procedure

- 4.1 This procedure has an informal stage followed by two formal stages. All parties should seek to resolve concerns/issues at the informal stage. Subject to the agreement of both parties, mediation and counselling may be arranged where the Council believes it is appropriate.
- 4.2 It is assumed at the informal stage that, wherever possible, issues will be dealt with on a no blame basis.
- 4.3 An employee should raise the matter informally by bringing their concerns with an appropriate manager. All parties are encouraged to seek resolution at the informal stage.

Informal Stage

- 4.4 The employee should initially raise their concerns with their line manager. This will usually be orally or in writing, making it clear they wish to raise the issue informally.
- 4.5 The line manager (or the manager's line manager if the complaint is against the manager) should meet the employee.

During this meeting the manager should:

- Establish and clarify the employees concerns.
 - Establish what remedy they wish to achieve.
 - Establish whether there are any potential disciplinary implications.
 - Establish how the employee's concerns can be verified.
 - Ascertain whether the matter can be dealt with informally.
- 4.6 At the end of the meeting the manager should summarise their discussions with the employee and the agreed way forward. They should then confirm this in a letter to the employee (and send a copy to HR).

Clearly, in cases where potential disciplinary action may result from a grievance, this should be kept confidential and the complainant should not be informed of such action.

- 4.7 The manager should also seek advice from HR to ensure they have the appropriate support and advice during the initial stages.
- 4.8 If the informal stage proves unsuccessful then the employee may make a Formal Complaint.

5. Formal Stages

First Formal Stage

- 5.1 Any formal complaint must be raised in writing. If there was an informal stage the written complaint must be received within 14 calendar days of the end of the Informal stage. (Employees should be reminded that the more clarity they provide, the greater the opportunity the grievance can be resolved). This should be sent to the Council's HR Manager who will contact the relevant Head of Service or nominated senior manager (when the complaint is from/made against a Head of Service).

- 5.2 Once a formal complaint has been registered, the relevant Head of Service or Senior Manager in consultation with HR will decide whether to:

- Appoint an appropriate manager to investigate the employee's complaint. This manager will be known as the Investigating Officer.

OR

- Undertake the investigation themselves (also referred to as Investigating Officer).

- 5.3 After the Investigating Officer is appointed, they will be responsible for:

Arranging a meeting with the employee(s) who have raised the grievance to explore the issue(s) in more detail. This meeting should ideally be arranged within 7 calendar days of receiving the written complaint.

The employee(s) raising the grievance should be giving at least 7 calendar days notice of the meeting. The employee/s has the right to be accompanied by a trade union representative or a work place colleague. At the end of the meeting the investigating officer lets the employee(s) know what steps will be taken.

The Investigation Officer will either:

- a) Consider the employee(s) statement and matters raised at the formal meeting. The Investigating Officer will make a decision and confirm the decision(s) in writing (within 14 calendar days of the formal meeting) to the employee(s) who have taken out the grievance, along with the rationale for the decision and a copy sent to HR.

OR

- b) Decide that a more detailed investigation is required including interviewing other employees and/or appropriate witnesses as required.

If the Investigating Officer decision is to interview the employee(s) that the grievance has been taken out against the employee/s should be giving at least 7 calendar days notice of the meeting. The employee(s) have the right to be accompanied by a trade union representative or a work place colleague.

The Investigating Officer should advise the employee(s) who have taken out the grievance how long this may take and ideally to be completed within a month.

- 5.4 The Investigating Officer must keep notes of all meetings and where statements and witness statements are taken these must be signed by the employee/witness.

The Investigating Officer will write a report using the standard Investigation Report template and a copy will be sent to HR.

- 5.5 The finalised report is completed by the Investigating Officer and discussed with HR.

HR will:

- Invite the employee(s) to a meeting with the Head of Service (or nominated Manager (ref: 5.2)) with HR in attendance (the employee will have the right to be accompanied by a trade union representative or a workplace colleague).

Head of Service (or nominated Manager) will:

- Outline the findings of the report and advise the employee(s) of the outcome.
- Confirm the outcome in writing within 14 calendar days of the report being discussed with the employee who has raised the grievance (copy to HR).

- 5.6 Employee(s) who have had a grievance raised against them and have therefore been involved in the investigation, will be invited by HR, to a meeting with the Investigating Officer (HR in attendance) to discuss the outcome. The employee(s) will have the right to be accompanied. The outcome will be confirmed in writing within 14 calendar days of the decision (copy to HR).

- 5.7 The Investigating Officer can also make separate recommendations, if they feel it is appropriate, as to how they believe the matter could be best resolved, where this involves a 3rd party.

- 5.8 The employee(s) have the right to appeal within 14 calendar days of receiving the outcome in writing.

6. Final Formal Stage (The Right of Appeal)

- 6.1 The final formal stage gives the employee the right to appeal against the outcome of the first formal stage. Any appeal must be in writing and sent to the Council's HR Manager (within 14 calendar days of receipt of their formal grievance letter) clearly setting out the grounds of appeal.
- 6.2 Extension to this deadline will only be allowed in exceptional circumstances and in agreement with the HR Manager.

- 6.3 The employee(s) are not allowed to submit new evidence at the appeal stage unless there are extenuating circumstances (in agreement with the HR Manager). Where there is genuine new evidence, the original Investigating Officer/Head of Service should have the opportunity to hear the evidence and review their decision.

7. Appeals Procedure - Reaching a Final Decision

- 7.1 The appeal hearing will consist of the Appeals Hearing Manager (usually an independent Head of Service/Member of CMT, advised by HR), a HR advisor and the employee(s) appealing the outcome.
- 7.2 The employee(s) or representative will outline their grounds of appeal (stating why they do not agree with the original grievance outcome). Any procedural issues will be considered at this point (please see section 9).
- 7.3 The Appeals Hearing Manager and HR adviser may question the employee(s).
- 7.4 The employee(s) or representative will make a final statement.
- 7.5 At the end of the meeting the meeting will adjourn to reach a decision.

The Appeals Manager will consider and evaluate all the evidence presented and reach one of the following decisions to:

- Uphold the original panel decision.
 - Fully uphold the employee's grievance appeal and make recommendations to address/resolve their concerns.
 - Partially uphold the employee's grievance appeal and make recommendations to address/resolve their concerns.
- 7.6 This decision should be conveyed to the employee(s) in person, wherever possible and confirmed in writing within 7 calendar days. The letter should confirm the decision of the Appeals Panel is final and there is no further right of appeal.

OR

- 7.7 The chair may need to make further enquiries and, when this is complete, will inform the employee of the decision in writing within 7 calendar days (if reasonably practical).

8. Role of Trade Union/Workplace Colleague

- 8.1 At all formal stages within this procedure the employee will have the right to be accompanied by a trade union representative or a Harlow District Council work place colleague.

Employees involved in the specific case (e.g. as a possible witness) cannot act as a companion due to a possible conflict of interest.

Once nominated, an employee's representative will be copied into all correspondence where the employee gives permission in writing.

Unless specifically agreed by the Investigating/Hearing Officer, the employee will be required to speak personally and answer direct questions. The representative has the right to address the hearing, and to confer with the employee at any stage. This may involve adjourning the hearing for brief periods.

Where the employee's representative is not able to attend a scheduled meeting or Hearing for justifiable reasons, the employee may propose an alternative date and time, normally within 7 calendar days of the original hearing.

The employee representative must seek permission from their line manager to attend these meetings. Permission will not be unreasonably refused. The HR manager should be consulted in the event of any disputes.

The employee referred to in this section means:

- The employee(s) making the complaint.

OR

- The employee(s) the complaint is made against.

9. Timescales

- 9.1 Where the prescribed periods set out in this procedure includes Bank Holidays or periods where key managers are unavailable (e.g. annual leave/sickness/training/key meetings/external visits) they will be extended appropriately.

10. Documentation

All original documentation must be sent to HR for retention. HR will ensure that appropriate copies of documents are retained on staff files.

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December 2010

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Approved & Authorised:	CMT
Dated authorised:	28 th March 2012

Revision History

Date of this revision: March 2012

Date of next planned revision: March 2013

Revision date	Summary of Changes	Changes marked