

Grievance Policy and Procedure

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1 Policy Statement

- 1.1 Huntingdonshire District Council (HDC) recognises that employees may from time to time have concerns, problems or complaints about the action or behaviour of a manager or colleague or about the application of a Council policy or procedure. The grievance procedure is a mechanism for employees and managers to resolve issues in a fair and timely manner without fear of recrimination.

2 Scope

- 2.1 Employees are able to use this procedure in relation to matters that arise from their employment, which directly affect them as individuals/as a group of individuals.

The grievance procedure **cannot be used**:

- Where an appeals mechanism exists e.g. appeal against formal disciplinary action
- To complain about the actions of employees, managers, contractors that do not directly affect the employee (the Whistleblowing Procedure applies in these situations)
- To raise concerns about the treatment of service users/customers
- To raise issues about a councillor's conduct - these should be raised directly with the Monitoring Officer.
- To dispute the performance management procedure if this is being applied fairly and professionally.
- To dispute an appraisal rating - the appraisal scheme details the process that should be followed.

- To raise issues relating to a personality clash with a line manager or another employee.
- To raise issues of alleged bullying and/or harassment, as it should be raised using the Council's Dignity at Work Policy.

3 Principles and Timescales

- 3.1 The Council encourages its employees to raise issues as they arise so that they can be resolved quickly and effectively, preventing them from developing into more serious disputes that have a negative impact on service delivery. Employees and managers should strive, at all stages of the procedure, to constructively resolve the issue(s) raised.
- 3.2 Every effort must be made by all parties to resolve the grievance within the indicative timescales described in this procedure. This is to avoid undue stress and concern to those involved and to limit any negative impact on service delivery. The following principles should be adhered to whilst working to this policy:
- 3.3 An employee must always attempt to resolve an issue via the informal resolution stage in the first instance. An issue cannot be raised as a formal grievance until the informal stage has been exhausted.
- 3.4 Managers dealing with grievances must be impartial and listen carefully to the complaint with an open mind. It is not appropriate for a manager to consider a grievance if the grievance is against him or her, or there is a conflict of interest.
- 3.5 Where the grievance relates to the conduct/behaviour of another employee he/she has the right to be told the details and to respond to any allegations made. In certain circumstances, however, (for example criminal investigations) some information may be withheld at the discretion of the manager.
- 3.6 Confidentiality will be maintained at all times. Information will be shared only with those necessary to resolve the grievance.
- 3.7 If an employee raises a grievance that proves to be vexatious or malicious he/she may be subject to disciplinary action.
- 3.8 The Council will not give financial compensation and this cannot be considered as a desired outcome at any stage of the procedure.
- 3.9 It is not appropriate to make an audio recording of the any of the meetings during the grievance procedure.
- 3.10 Where the concern/complaint affects a group of employees, the group should nominate a spokesperson. This spokesperson can be one of the affected employees or a jointly chosen colleague, member of Staff Council or a trade union representative.
- 3.11 Complaints or concerns in relation to incidents older than 12 months cannot be raised by using the Grievance Procedure.
- 3.12 The same/related grievance cannot be raised within 12 months of the resolution, outcome or withdrawal of the same grievance – however an employee may ask for a grievance to be revisited if specific follow up actions agreed as part of the original grievance have not been carried out.

4 Grievance Procedure

- 4.1 The grievance procedure has two phases, comprising of both informal and formal processes. Wherever possible the aim will be to find a solution using the first phase of the procedure, the informal resolution.
- 4.2 On occasions where grievances cannot be resolved informally, the grievance will be moved to the formal grievance procedure. The formal procedure comprises of three stages and includes a provision for employees to appeal.

These are the different stages of the grievance procedure:

1. Informal resolution
2. Formal grievance
 - Making the complaint –Grievance notification form
 - Grievance meeting
 - Outcome
3. Grievance appeal

This policy applies to all Council employees.

5 Informal resolution

- 5.1 The employee should first raise any issue with his/her line manager. If the grievance relates to the line manager, the employee should discuss this with their manager's line manager. Day-to-day issues will normally be resolved through dialogue between the employee and his/her line manager. This will be more effective if the employee raises the issue as soon as possible.
- 5.2 A meeting between the line manager and the employee will allow them to discuss the issue on a one-to-one basis outside of the formal grievance procedure. The line manager and the employee will discuss the facts of the situation and attempt to find a satisfactory solution as quickly as possible within seven working days from the date the complaint was raised.
- 5.3 At this stage neither the complaint nor the response are required to be put in writing. There is no right to representation; however an employee may be accompanied by a work colleague who will provide moral support only. A brief file note, detailing the outcomes agreed may be taken, if requested by either party, and acknowledged by both parties as correct.
- 5.4 If required at this stage, both parties may be given the opportunity to undertake an independent mediation session/s – see information on mediation. Mediation will only be used if all parties involved in the grievance agree. Mediation involves the appointment of a third-party mediator arranged by Human Resources, who will discuss the grievance matter with all those involved and seek to facilitate an outcome.

6 Formal Grievance Procedure

- 5.5 An employee may raise a formal grievance only if it has not been possible to resolve an issue directly i.e. when the informal resolution stage has been fully exhausted.

6.1 Making the complaint

- 6.1.1 To initiate a formal grievance the employee will complete the Grievance Notification Form and email or give this to his/her line manager. The covering email or letter should clearly state that this is a formal grievance. If the grievance is in relation to the line manager, it should be sent to their manager's line manager. The Grievance Notification Form prompts the employee to include all of the relevant details to allow an issue to be effectively resolved. The employee should give an indication of the outcome/resolution he/she is seeking to reach. The Grievance Notification Form will be shared with others as part of the grievance procedure therefore he/she is advised to remain factual and avoid writing statements that might be offensive to others or that cannot be substantiated.
- 6.1.2 Upon receipt of a Grievance Notification Form, the manager should acknowledge the formal grievance within seven working days of receipt and seek advice from the HR Advisory Team regarding arrangements for resolving it.
- 6.1.3 The HR Adviser will work with the manager to select an appropriate person to consider the grievance. Normally the grievance will be dealt with by the employee's line manager, or the line manager's manager. In instances where this is not appropriate HR Advisory will give further advice.
- 6.1.4 Prior to holding a formal grievance meeting both parties may agree to undertake an independent mediation session/s – see section nine on mediation.

6.2 Grievance Meeting

- 6.2.1 If the informal stage has been completed, the manager will arrange to meet with the employee as soon as possible, ideally within seven working days, to fully understand the facts of the employee's grievance. This grievance meeting is the employee's opportunity to explain his/her complaint and to state how he/she considers the issue could be resolved. The employee has a right to be accompanied and/or represented by a member of Staff Council, a trade union representative or a work colleague of his/her choosing.
- 6.2.2 The manager will lead the grievance meeting and be supported by an HR Adviser. The manager should:
- Listen to the employee's concerns and clarify the key issues
 - Explore the facts of the situation
 - Clarify who else he/she needs to speak to
 - Consider options to resolve the issue to the satisfaction of the employee, any resolution must be in line with effective service delivery and cannot be decided until the matter has been discussed with the manager to seek his/her views.
- 6.2.3 In most cases it will not be possible to resolve the issue immediately and therefore the grievance meeting should be adjourned to allow the manager to:
- Confirm relevant facts
 - Speak to any relevant witnesses (witness statements will be taken to document discussions)
 - Where the grievance meeting is adjourned it should be reconvened with minimum delay, ideally within 10 working days. Where this is not possible, employees will be kept informed by the manager as to progress.

6.3 Outcome

- 6.3.1 Following the grievance meeting, the manager must decide if the grievance is/is not upheld. Where the grievance is upheld the manager should make recommendations as to how the issue can be resolved. Follow up actions should, where possible, look at any preventative measures that can be implemented. Any measures put in place need to be in line with effective service delivery and therefore may need to be discussed with the relevant team/service manager.
- 6.3.2 The manager will produce a written grievance summary. This will detail what the initial issue was, the facts that have been established, the decision that was made and the recommended follow up actions.
- 6.3.3 The manager will arrange to meet with the employee to inform him/her of his/her decision within seven working days from the grievance meeting, where possible. If this is not achievable the manager will keep the employee up to date with progress and possible timescales. The employee will receive a copy of the Grievance Summary.
- 6.3.4 Where the grievance related to the conduct/behaviour of another employee the manager, with advice from the HR Adviser, will decide whether it is appropriate for that individual to receive a copy of the Grievance Summary. In some cases, it may be appropriate to adapt the content for sharing e.g. where the grievance had covered a number of issues only the part relevant to the third party will be shared.

7 Grievance appeal

- 7.1 The purpose of the grievance appeal is to decide whether the formal grievance procedure was followed correctly and whether the outcome was reasonable and proportionate to the facts established i.e. this is not a reconsideration of the original issue.
- 7.2 To initiate an appeal the employee, within five working days of receiving the Grievance Summary, . needs to put in writing to the next level of management, normally the Head of Service that they wish to appeal the grievance. An email will suffice but the notice must clearly state that this is a grievance appeal and detail how he/she considers the grievance procedure has not been correctly applied or how the outcome was not reasonable or proportionate.
- 7.3 The grievance appeal must be heard with the minimum possible delay, ideally within 10 working days of the formal grievance meeting with the manager.
- 7.4 The grievance appeal will be heard by the line manager of the manager who dealt with the formal grievance. Where this is not appropriate please seek advice from HR Advisory.
- 7.5 The manager considering the grievance appeal will:
- Clarify with the employee what aspect of the grievance procedure has not been correctly applied or how the outcome is considered unreasonable.
 - Review the grievance summary and ask questions of the manager.
- 7.6 The manager considering the appeal will be advised by an HR Adviser. On considering all of the information presented he/she will make a decision as to whether the grievance procedure has been properly applied and whether the original outcome/resolution was appropriate.
- 7.7 The decision will be delivered either after immediate consideration at the meeting or within five working days of the meeting. The decision will be confirmed in writing to the employee as soon as possible. The decision of the manager considering the appeal is final.

8 Records

- 8.1 Informal resolution stage - no written record will be retained on individual personal files. However, the employee and manager may agree a file note to be kept by the manager and employee.
- 8.2 Formal Procedure - the HR Advisory team will keep a record of the number of Formal Grievances and Grievance Procedural Appeals. A copy of the email/ letter to the employee confirming the outcome of the grievance meeting and/or grievance procedural appeal will be placed on his/her personal file

9 Mediation

- 9.1 An employee can ask his or her Line Manager to participate in mediation. Mediation is a voluntary process, agreed by both parties whereby an independent mediator helps two or more people in dispute to attempt to reach an agreement. The agreement comes from those in dispute not from the mediator. The mediator will have had no prior involvement in the grievance. Mediation can be used at any stage of the grievance process. This will mean that any formal procedures are halted whilst the mediation route is pursued. If mediation is unsuccessful, the process will revert to the stage reached prior to mediation.
- 9.2 Managers who receive a request to participate in mediation should contact HR Advisory to arrange mediation.

10 Right to be accompanied

- 10.1 At the formal stage of the grievance procedure employees have the right to be accompanied and/or represented at any stage of the formal grievance procedure. Employees may be accompanied by a trade union representative, a representative of the Staff Council or another work colleague of their choosing. The employee must decide whether their companion will act as a representative or if he/she will act as a companion. It is the responsibility of the employee to ensure that the chosen representative is available to attend the meeting and to meet any associated costs.
- 10.2 A representative is allowed to address the hearing to put the employee's case, sum up that case and respond on the employee's behalf. S/he can also confer with the employee during the hearing. However a representative is not permitted to answer questions on behalf of the employee, and must not prevent the employer from explaining their case or prevent any party making their contribution.
- 10.3 The choice of companion should be reasonable given the circumstances of the case - it would not be reasonable to be accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest, and this will not be permitted.
- 10.4 At least three working days before the hearing, the employee should inform the HR Adviser of who she/he has chosen as a representative/companion.

11 Links to the disciplinary procedure

- 11.1 There are scenarios in which the grievance and disciplinary procedures may be linked:

- An employee raises a grievance as a direct result of disciplinary action being taken against him/her – the grievance should be dealt with through the appeal mechanism within the Disciplinary Procedure and not through the Grievance Procedure.
- An employee raises a grievance at the same time as misconduct is alleged against him/her and the two issues are not related in any way – in these circumstances the two issues should be dealt with simultaneously and be treated separately following the two different procedures.
- An employee raises a grievance that leads to the investigation of another employee or manager under the Disciplinary Procedure – in these circumstances the employee who raised the grievance will be expected to act as a witness in any disciplinary investigation.

12 Former employees

- 12.1 Following the ACAS Code of Practice, the Council is not obliged to hear grievances from former employees. The grievance procedure focuses on resolving issues raised by current employees.
- 12.2 When an employee raises a grievance just before leaving employment with the Council, there may be insufficient time for the grievance to be heard and/or resolved. In these circumstances the Council will deal with the complaint/concerns via the exit procedure – asking the employee to detail the issues in the exit questionnaire and offering an exit interview. The grievance procedure will not be appropriate in these cases. Issues highlighted in an exit questionnaire or exit interview will be followed up as appropriate despite the employee having left the organisation.

13 Management of the grievance procedure

- 13.1 Normally a formal grievance will be dealt with by the employee’s line manager. If this is not appropriate it will be investigated by the line manager’s manager. In instances where this is not appropriate please seek advice from HR Advisory.
- 13.2 The grievance appeal will normally be heard by the line manager of the manager who dealt with the formal grievance supported by a member of the HR Advisory Team.

14 Advice and Support

- 14.1 The Council employs a confidential First Contact Listening service, a small team of employee volunteers who have received training in basic listening skills. Whilst they are not trained counsellors, they are able to listen to employees who may feel they need to talk through either a work related or personal problem. There is also the Counselling Service and Employee Well-being Scheme available to all employees. Please contact HR for details.
- 14.2 Should any aspect of the grievance process cause difficulty because of a disability, language barriers or other difficulties, the Council has Staff Council representatives, trade union representatives, work colleagues and HR Advisory who are available to provide necessary help or assistance.

15 Further information

- 15.1 Managers needing further information on how to apply this policy should contact the HR Advisory Team

Name of Policy	Grievance Policy and Procedure
Person/posts responsible	Lead HR Manager
Date approved/adopted	
Approved by	