**** Cyngor Sir CEREDIGION County Council

Adnoddau Dynol | Human Resources

****

**Policy and Procedure**

**Grievance**

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**The appendices do not form part of the policy and are for guidance purposes only.**

# Policy

## Introduction

1.1 The purpose of this policy is to set out the Council’s position and procedures on workplace grievances.

1.2 The Grievance Policy and Procedure has been written in accordance with the ACAS Code of Practice. It is designed to help managers, employees and their representatives deal with grievance situations in the workplace.

1.3 The purpose of the Grievance Policy and Procedure is to provide a mechanism for individual employees to raise a grievance arising from their employment; and for it to be dealt with promptly, fairly and at a local level. This includes concerns from an employee about action that the Council, as their employer, has taken or is contemplating taking in relation to them.

1.4 This policy applies to all employees other than the Chief Executive and those who are employed by School Governing Bodies.

1.5 It includes those:

* employed by the Council to work in partner organisations,
* who work in joint or multidisciplinary teams remain entitled to raise grievances using this procedure
* seconded to work for Ceredigion County Council where it is stipulated within the agreement

## Links with other policies

2.1 Where an employee believes they are being bullied or harassed, then they should refer to the Council’s Dignity at Work Policy.

2.2 When an employee wishes to disclose any malpractice or misconduct (whistleblowing) of which they become aware, then they should refer to the Whistleblowing Policy and Procedure. Importantly, this will provide protection for employees who report allegations of such malpractice or misconduct.

2.3 Where a grievance relates to proposed changes such as redundancy or restructure, employees should raise concerns in line with the consultation process outlined in the Managing Change Policy.

2.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. Please refer to Ceredigion County Council’s Disciplinary Policy. A decision on what action to take in such circumstances will be taken by the relevant Head of Service and HR Officer following discussion

* 1. All ICT users must abide by the policies set out on cardinet.

## General Principles

3.1 The Council recognises that grievance rules and procedures help to promote good employment relations whilst ensuring fairness and consistency in the treatment of individuals.

3.2 It is acknowledged that employees generally conduct themselves in an appropriate manner.

3.3 The purpose of the policy is to ensure that employees who have a grievance about their employment have a clear framework to enable that grievance to be dealt with. The procedure is designed to reflect the following principles.

3.4 The ability of the employee to be treated fairly and consistently in accordance with the principles of natural justice, the right of representation and the right to present their case.

3.5 Employees with a grievance about their employment have a right to raise the grievance and to have it heard through the medium of Welsh or English.

3.6 Whenever possible, grievances should be dealt with at the early stages of the policy.

3.7 All participants in the grievance process will be required to maintain appropriate levels of confidentiality.

3.8 Employees have the right to be accompanied to any grievance hearing by a Trade Union Official or workplace colleague of the Authority. The Council actively encourages representation at all stages of the procedure.

3.9 The ability of the manager to organise and manage those for whom he/she is responsible, ensuring and maintaining the required standard of employee conduct and performance and to take any disciplinary action, including dismissal where appropriate.

3.10 The aim of the resolution process is about achieving a successful outcome for all and therefore it is vital that managers, employees and trade union representatives approach the resolution of grievances with openness, trust and respect.

3.11 Raising a grievance that is known to be without foundation, or is otherwise in bad faith, may result in disciplinary action.

3.12 All matters within the procedure should be completed in as short a time scale as is reasonably possible. The timescales within the procedure should be adhered to unless there are compelling reasons not to do so.

3.13 If it is not possible to respond within these timescales, the parties involved must be informed and the Investigating/Responsible Officer, in conjunction with Human Resources, will decide whether an extension is appropriate.

3.14 Safeguarding children or adults at risk investigations take precedence over the resolution process and may inform the grievance investigation.

## Scope

4.1 Grievances may be concerned with a wide range of issues, including:

* Terms and conditions of employment
* Health and safety
* New working practices
* Working environment

4.2 A formal grievance is concerned with the way in which an employee has been treated by the organisation or managers acting on its behalf.

4.3 This procedure will not apply to:

* Matters subject to collective bargaining arrangements
* Results of job evaluation/grading appeals
* Matters covered by other policies and procedures – this procedure cannot be use to challenge formal decisions and outcomes in other procedures which have an appeal process, namely:
  + - Capability
    - Maximising Attendance
    - Disciplinary
    - Probation
    - Dismissal for any other reason (e.g. redundancy, or some other substantial reason)
    - Former employees (these matters will be addressed by the Council’s Complaints Procedure).
    - **Grievances which have previously been dealt with and trivial allegations**

4.4 Whilst a grievance is being considered under this procedure, the working and management arrangements (which may have given rise to the complaint) will not be altered until a resolution has been reached or the procedure exhausted, providing this does not have an adverse or detrimental impact on an individual or the Council.

## Joint/Multiple Grievances

5.1 Where a group of employees raise the same grievance, then the same basic process will still be followed. Where there are more than three employees submitting the same grievance, then employees will be asked to nominate representatives to attend any meetings along with, where requested, a trade union representative.

5.2 No more than three nominated representatives in any grievance investigation or hearing.

5.3 A joint grievance must be signed by all parties raising and who are affected by the grievance, at the outset.

## Collective Matters

6.1 Any concerns raised by one or more of the recognised trade union relating to collective bargaining matters, should be discussed in the first instance with the Head of HR for consideration at the Corporate Employee Forum.

## Roles and Responsibilities

### All Employees

All employees are responsible for:

* ensuring they are aware of the Grievance Policy
* seeking to resolve potential grievance issues informally whenever possible.
* raising a grievance in a constructive manner, including escalating the grievance to the formal stage if it can’t be resolved informally.
* when formally raising a grievance, they clearly confirm in writing (assistance maybe obtained when required e.g. from colleagues or trade unions) the nature of the grievance. Vague generalisations may not result in grievances being heard.
* It will normally be a reasonable request for an employee to attend investigations or grievance hearings, when it is believed that they can assist the process.

### Line Managers

Line Managers are responsible for:

* ensuring they have read and understood the Grievance Policy.
* ensuring those whom they line manage have read and understood the Resolution Policy.
* taking prompt action and a considerate approach to employees concerns, aiming to deal with matters informally where possible.
* handling any grievance sensitively and confidentially, ensuring standards of fairness, objectivity and consistency in treatment are upheld in all cases.
* taking advice from the Human Resources Service at each stage of the Resolution Policy.
* providing feedback to the employee about what can, and/or cannot, be done to resolve the grievance; and
* taking any necessary follow-up action.

### Human Resources

Human Resources are responsible for:

* Providing advice to managers and employees on the operation of the grievance procedure and ensuring that any action taken is consistent with actions elsewhere within the Council.
* An HR representative will attend all formal grievance hearings, ensure that a written record of the meeting is made and support the manager in confirming the outcome in writing.
* HR will keep records of all grievances raised and the outcome. These records will be made available to employees through their line manager and will also form part of the HR monitoring and reporting process.

### Heads of Service

Head of Service are responsible for:

* Heads of Service should ensure that the Policy is adhered to and any resulting outcomes are consistent.
* They must ensure that investigations are completed in a timely and professional manner, and that any grievance hearings take place promptly after a grievance becomes known.
* They must ensure that when any witnesses are requested, that they are notified when they should attend a hearing, and that they are afforded the time to attend.

## Role of Investigating Officer

8.1 This is to carry out an impartial investigation into the facts surrounding any allegation.

8.2 They will liaise with the HR Officer regarding the policy and issuing of any correspondence to an employee.

## Review of Policy

9.1 The Head of Human Resources is responsible for reviewing this policy regularly.

# Procedure

## Informal Stage

10.1 It is important that, whenever possible grievances are raised informally and without unreasonable delay with a manager who is not the subject of the grievance. Wherever possible this will be the line manager.

10.2 The grievance should be submitted as soon as possible. In any event, the trigger incident should be no more than 12 weeks prior to the point the grievance is lodged.

10.3 Any employee with a grievance within the scope of the procedure should discuss it initially with the immediate manager/ supervisor, who will wherever possible, respond to the grievance at the time. If this is not possible, the manager/supervisor will give a definitive decision once the matter has been considered and/or investigated. This will done orally and confirmed in writing normally within 10 working days. If it is deemed that an investigation is required this may be extended on agreement to a period normally no longer than 30 working days.

## Investigations

11.1 It may be necessary to carry out investigations of any allegations made by the employee, prior to or at other stages of the procedure; although confidentiality of the grievance process will be respected.

11.2 If any evidence is gathered in the course of these investigations, the employee will be given a copy in advance of a hearing in order that they may consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence (approved by the Head of HR) will be provided.

## Formal stage

12.1 If the employee is dissatisfied with the response received at the Informal Stage of the procedure, the employee, assisted by a trade union representative or a work colleague, if necessary, may submit a written grievance to the next level of management. This must be done within 10 working days of receipt of the decision by the Line Manager, using form GR1 as attached at Appendix 2.

12.2 It is only in exceptional circumstances that a grievance will progress to a formal stage if there has been no attempt by the aggrieved party, to seek an informal resolution with an appropriate level of management.

12.3 The manager/supervisor will investigate the grievance and will convene a hearing with the aggrieved employee. The employee will be made aware of the right to be accompanied at the hearing. A HR Officer will attend the hearing in an advisory capacity. The manager/supervisor will also use the grievance form GR1 to formally respond within 15 working days of receiving the form, unless for specific reasons, this is not possible and the manager/supervisor has agreed a revised date with the aggrieved person for example where an investigation is required. The employee will be advised of their right of appeal against the manager’s response.

12.4 If the written response is not acceptable or the manager/supervisor fails to respond within 15 working days, then the employee or the employee’s representative may write directly to the Head of Service enclosing the grievance form GR1 (parts A&B). The appeal letter must state clearly why the employee remains aggrieved. The letter and form must be submitted to the Head of Service within 10 working days of the manager/supervisor’s response.

12.5 Where the grievance relates to a Head of Service, an alternative Head of Service will convene a grievance hearing.

## Final Stage – Appeal

13.1 The Head of Service, or a nominated representative, will arrange a grievance hearing at the earliest opportunity, but not later than 20 working days following receipt of the form. A member of the Human Resources section will attend the grievance hearing.

13.2 Where the Informal Stage was heard by a Head of Service, an alternative Head of Service or Strategic Director will convene a grievance hearing.

13.3 The Head of Service will consider the grounds that the employee has put forward and assess whether or not the conclusion reached in the original hearing was appropriate. The appeal is not a re-hearing of the original grievance, but a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance. Therefore, the discussion can be confined to those specific areas rather than reconsider the whole matter afresh.

13.4 Following the hearing, the Head of Service, or representative, will confirm his/her decision in writing to the employee and/or their representative with 7 working days.

13.5 The procedure to be followed at the Head of Service’s Appeal Hearing is as detailed under Appendix 1.

13.6 If an employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, or not attend on the second occasion, the hearing may take place in their absence.

13.7 In exceptional circumstances the employee may request that a trade union representative attends the hearing in their place. The hearing will then consider the evidence presented.

* 1. A flowchart is shown in Appendix 1, confirming the process in its entirety.

## Keeping Records

14.1 Confidential records will be kept be the Manager during the process of the resolution process. Records will include notes of any formal actions, including support made available to the employee or other affected parties. These records will be kept in accordance with the Data Protection Act 1998.

14.2 Human Resources will keep records of:

* the nature of the grievance.
* the Manager’s report and working papers.
* investigatory interviews and witness statements.
* details of any actions taken and the reasons why.
* if there was an appeal, details of it and the outcome.

14.3 Employees will have access to their personal records in accordance with the Data Protection Act.

# Appendices

## Appendix 1

**GRIEVANCE POLICY AND PROCEDURE – FLOWCHART**

**Employee raises grievance**

**informally with their line**

**manager.**

**INFORMAL GRIEVANCE**

**(not part of the formal**

**procedure)**

**Managers should deal with all grievances raised whether or not in writing. Not necessary for employee to be accompanied, although they can be if they wish – without creating unnecessary delays. Manager should make notes of any discussions/meetings and give a copy to the employee.**

**Ideally, line manager will meet with employee to discuss the grievance; although this may not always be necessary.**

**A definitive decision should be**

**given once the matter has been considered and/or investigated.**

**Employee may raise a formal written grievance within 10 working days of the outcome of the informal grievance**

**Employee may appeal within 14 calendar days of the Stage 1 outcome.**

**An appeal hearing is usually held within 20 working days of receipt of the appeal.**

**STAGE 1 - FORMAL**

**GRIEVANCE**

**The Employee has the right to be accompanied by a TU representative. A HR Officer will be in attendance in an advisory capacity or colleague. HR should also be present.**

**A formal grievance hearing is held (usually by the manager of the employee’s line manager) within 14 calendar days of receipt of the grievance**

**Outcome is confirmed in writing.**

**Manager reaches decision if possible on the day of the meeting, or within 7 calendar days.**

**The employee has the right to be accompanied by a TU representative or colleague. A HR Officer will be in attendance in an advisory capacity.**

**STAGE 2 -**

**APPEAL**

**Outcome is confirmed in writing within 7 days of the hearing. This is the final stage of the Council’s Grievance Procedure.**

**Panel reaches decision.**

## Appendix 2

**GR1 form to be used to formally raise a grievance**

|  |  |  |  |
| --- | --- | --- | --- |
| **PART A – WRITTEN NOTIFICATION OF GRIEVANCE – FORMAL STAGE ONE**  **(A copy of this form to be sent to the Human Resources Section at each Stage of the Procedure)** | | | |
| **Section 1** | | | |
| **This section of the form must be completed by any employee or their representative who wishes to raise a formal grievance under formal stage one of the Procedure. When completed, the form should be sent in an envelope, marked CONFIDENTIAL, to the relevant Manager / Supervisor.** | | | |
| **I have discussed with:** |  | | |
| **A grievance that:** |  | | |
| **I remain aggrieved because:** |  | | |
| **I wish to exercise my rights to register formally my grievance with you. The redress I am seeking is:** |  | | |
| **Signed** |  | **Date** |  |
| **Service** |  | | |
| **Name (please print)** |  | | |
| **Contact Address** |  | | |
| **Section 2** | | | |
| **After careful consideration of your grievance under formal stage one of the Procedure, I would inform you that my decision in this matter is as follows:** |  | | |
| **Signed** |  | **Date** |  |
| **Position Within the Service:** |  | | |
| **Right of appeal - If the written response is not acceptable or the manager/supervisor fails to respond within 14 working days then the employee or the employee’s representative may write directly to the Head of Service enclosing the grievance form GR1 (parts A&B) – Formal Stage Two of the Grievance Procedure.** | | | |
| **PART B – WRITTEN NOTIFICATION OF GRIEVANCE – FORMAL STAGE TWO**  **(A copy of this form to be sent to the Human Resources Section at each Stage of the Procedure)** | | | |
| **Section 1** | | | |
| **This section of the form must be completed by any employee or their representative who wish to raise a formal grievance under formal stage two of the Procedure. When completed, the form should be sent in an envelope, marked CONFIDENTIAL, to your Head of Service.** | | | |
| **I have discussed with:** |  | | |
| **A grievance that:** |  | | |
| **The response I have received is shown under Part A Section 2 of this Form (see overleaf). I remain aggrieved because:** |  | | |
| **I wish to exercise my rights to pursue formally my grievance with you under formal stage two of the Procedure. The redress I am seeking is:** |  | | |
| **Signed** |  | **Date** |  |
| **Section 2** | | | |
| **After careful consideration of your grievance under formal stage 2 of the Procedure, I would inform you that my decision in this matter is as follows:**  **This response is final. There is no further right of appeal** |  | | |
| **Signed** |  | **Date** |  |
| **Position Within the Directorate** |  | | |

## Appendix 3

**Final Stage - Grievance Hearing Appeal Held by Head of Service (or their representative)**

### Attendance

(1) The Head of Service (or representative)

(2) The Appellant, together with his/her Trade Union Representative or work colleague

(3) The relevant Manager / Supervisor

(4) The Human Resources Officer

(5) Any Witnesses.

### The Procedure

(1) The parties to the grievance and their respective representatives shall be called in simultaneously before the Hearing.

(2) The Head of Service (or representative) will introduce those present and explain how the hearing will be conducted.

(3) The Head of Service (or representative) will establish details of any witnesses to be called and also ***any*** documentation which will be referred to during the hearing, by either side.

(4) The Appellant (and/or representative) will present details of the grievance, including the submission of any supporting documentation.

(5) The other parties may ask questions on the presentation in the following order:-

(a) The Manager / Supervisor

(b) The Head of Service (or representative)

(c) The Human Resources Officer.

(6) The Appellant (and/or representative) will call any Witnesses.

(7) The other parties may ask questions of the Witnesses in the following order:-

(a) The Manager / Supervisor

(b) The Head of Service (or representative)

(c) The Human Resources Officer (or representative), if present.

(8) The Manager / Supervisor shall respond to the appeal.

(9) The other parties may ask questions in the following order:-

(a) The Appellant (and/or representative)

(b) The Head of Service (or representative)

(c) The Human Resources Officer

(10) The Manager / Supervisor will then call any Witnesses.

(11) The other parties may ask questions of the Witnesses in the following order:-

(a) The Appellant (and/or representative)

(b) The Head of Service (or representative)

(c) The Human Resources Officer

(12) Both sides will then have the opportunity to sum up, the manager/supervisor speaking first.

(13) The Appellant (and representative), the Manager / Supervisor and any Witnesses will then withdraw.

(14) The Head of Service (or representative) and the Human Resources Officer, who will act as an advisor, will then deliberate in private, recalling the Manager/Supervisor and the Appellant (and representative) only to clear points of uncertainty on evidence already given and/or to hear further representations in relation to the penalty. If recall is necessary, both parties are to return, even if only one is concerned with the point giving rise to doubt.

(15) All parties will be recalled and informed verbally of the Head of Service’s decision. The Head of Service will normally confirm his/her decision in writing to the employee and/or Trade Union representative, within 7 working days of the hearing.