

Ealing Council

Grievance Policy and Procedure

Effective 1st July 2008

Grievance Policy and Procedure

	Contents page	
1	AIM.....	1
2	DEFINITION OF GRIEVANCE	1
3	SCOPE AND APPLICATION	1
3.1	Who does the Grievance Procedure apply to?	1
3.2	Matters which can be dealt with via the Grievance Procedure	2
3.3	The Grievance Procedure shall not apply to:.....	2
3.4	Statutory Exemptions	2
3.5	Link with Dignity at Work (Bullying & Harassment).....	2
3.6	The Statutory Modified Grievance Procedure.....	3
4	TIMESCALES	3
5	RIGHT TO REPRESENTATION	4
6	ROLES AND RESPONSIBILITIES	4
6.1	Manager's Responsibilities	4
6.2	Role of Human Resources	5
6.3	Employee responsibilities	6
7	ABOUT THE PROCEDURE.....	6
7.1	Group Grievances	6
7.2	Malicious/Vexatious Grievances.....	7
7.3	Multiple Grievances	7
7.4	Confidentiality	8
7.5	Whistleblowing.....	8
7.6	Support and Resources for Employees	8
7.7	The Disability Discrimination Act 1995 (DDA)	9
7.8	Mediation.....	9
7.9	Investigating the Grievance	10
7.10	Witnesses	10
7.11	Keeping Records	10
7.12	Grievances and Disciplinary Action	11
7.13	Police Involvement	12
7.14	Working and Management Arrangements during Grievance.....	12
	THE GRIEVANCE PROCEDURE.....	12
8	INFORMAL ACTION.....	12
9	FORMAL GRIEVANCES	13
9.1	Stage 1 – Raising a Formal Grievance	13
9.2	Stage 2 - Appeal Against A Decision At Stage 1	15
10	MONITORING AND REVIEW	17
	APPENDIX 1 – FORMAL GRIEVANCE NOTIFICATION FORM	18
	APPENDIX 2 - STATUTORY MODIFIED GRIEVANCE PROCEDURE.....	21
	APPENDIX 3 – GUIDANCE OUTLINE OF A GRIEVANCE MEETING.....	22
	APPENDIX 4 - GRIEVANCE APPEAL NOTIFICATION FORM.....	24

Grievance Policy and Procedure

1 AIM

- 1.1 Ealing Council is committed to maintaining good employee relations and ensuring grievances are dealt with fairly and promptly. This procedure sets out the processes to be followed for the speedy resolution of employee complaints and takes account of best practice and legislative requirements.
- 1.2 Where an employee has a complaint about the Council's treatment of them, then in the vast majority of cases, it is appropriate to raise the issue informally with their manager in the first instance through the normal management process. Both parties should aim to resolve the matter at this stage without recourse to the formal procedure, wherever possible. Only after such attempts and where an employee feels it has not been possible to resolve the complaint informally, or where the issue is such that formal clarification of issues is required, should the formal grievance procedure be invoked by the employee using the Council's Grievance Notification Form in Appendix 1. The purpose of the form is to ensure the precise nature of the grievance and its outcome is clearly understood and documented at the outset, to clarify that the employee is raising the matter formally and so that it can be dealt with effectively.

2 DEFINITION OF GRIEVANCE

- 2.1 The Council has adopted the statutory definition of a grievance. For the purposes of this procedure an employee has a grievance if: s/he wishes to complain about an action, that the Council has taken or proposes to take in relation to him or her.

Employment Act 2002 (Dispute Resolution) Regulations 2004.

3 SCOPE AND APPLICATION

3.1 Who does the Grievance Procedure apply to?

The Grievance Procedure applies to all employees who have a contract of employment with the Council, except for Chief Officers and Teaching and Support Staff employed by schools (who are covered by their own arrangements). It does not apply to non-employees such as Agency Workers. An Agency Worker who wishes to raise a complaint should do so via their agency.

3.2 Matters which can be dealt with via the Grievance Procedure

- Where an employee is aggrieved at a management action, inaction, omission or decision, which affects the employee
- Where there is a dispute over the application of the Local Conditions of Service or other matters relating to the contractual rights of the employee

3.3 The Grievance Procedure shall not apply to:

- Matters relating to the grading of an employee's post which should be dealt with through the relevant Job Evaluation Appeal Scheme;
- Personal disputes between colleagues
- Complaints where separate appeal arrangements apply such as: Probation, Managing Unsatisfactory Performance, Disciplinary, Medical Redeployment and Medical Capability Review procedures
- Where the grievance is that possible dismissal is being contemplated on any grounds, including through the Reorganisation Procedure (selection for redundancy, assimilation and redeployment)
- Matters that are decided outside the control of the Council (i.e. such as on tax, statutory sick pay, national insurance or pension matters or changes in the law)

3.4 Statutory Exemptions

There are certain occasions when it is not necessary to follow the Grievance Procedure, for example, a meeting will not be held where there are reasonable grounds to believe that by dealing with the grievance:

- This might pose a significant threat, such as violent, abusive or intimidating behaviour, or
- That there is a threat to property or any person's safety, or
- Would be contrary to the interests of national security, or
- A circumstance beyond the control of the Council and it is no longer practicable to follow one or more of the grievance steps within a reasonable period.

3.5 Link with Dignity at Work (Bullying & Harassment)

- 3.5.1 The Grievance Policy and Procedure is intended to deal with complaints that employees raise about the Council's actions in relation to them. It is not to be used for complaints that employees might have about the conduct of other employees. However, if an employee believes that they have been bullied or harassed by a colleague, and that the Council has failed to take appropriate action once the matter has been brought to its attention, then the Grievance Policy and Procedure may be appropriate.

- 3.5.2 Where a complaint relates to treatment by colleagues in the workplace, which could be perceived as infringing on an individual or group of individual's, dignity at work, employees and managers should take note of the Council's Dignity at Work provisions.
- 3.5.3 Where the employee believes that the Council has failed to deal with a complaint to their satisfaction, a formal grievance under the Council's Grievance Procedure can be submitted. The formal process will commence from the date when an employee submits a Grievance Notification Form. Any previous efforts to resolve the issue informally will be taken into account as satisfying (wholly or in part) the informal stage of the Council's Grievance Procedure. However, serious allegations of bullying and harassment by an employee at work will be investigated under the Council's Disciplinary Procedure, as disciplinary sanctions (including dismissal) may result if the allegations are substantiated. The formal Grievance Procedure may have to be suspended pending the outcome of the disciplinary proceedings against the alleged perpetrator(s). In every case, it is for the Council to decide whether there is sufficient evidence to commence disciplinary action against the alleged perpetrator(s). Disciplinary action may also be taken against any employee who makes false allegations.
- 3.5.4 Managers must record racist incidents in accordance with the Reporting Racist Incidents Procedure available on the Intranet.

3.6 The Statutory Modified Grievance Procedure

If an employee brings a grievance after they have left the Council, or if an employee leaves the Council after raising a grievance, then it is possible to use the statutory modified grievance procedure. However, it can only be used if both parties agree in writing. These are detailed in Appendix 2.

4 TIMESCALES

- 4.1 All parties to the proceedings have an obligation to co-operate in ensuring that processes and timescales set out in section 9 of the procedure are followed without delay. Where the handling of the grievance would be compromised by the need to comply with the timescales, they may be extended. In all cases, the employee must be informed in writing and given the reasons for the extension, together with details of any steps to be taken to resolve the grievance within the stated period.
- 4.2 Where a trade union representative, or work colleague has been chosen by the employee to accompany them at a meeting and they cannot attend on the proposed date, an alternative date may be arranged. This should normally be within five working days, beginning

with the first working day after the original date proposed by the manager. The meeting would not normally be postponed a second time.

- 4.3 For the purposes of this procedure, 'working days' are defined as Monday to Friday, irrespective of the actual working days of the employee concerned, but excluding public holidays. Flexi-time or overtime may be authorised if the manager arranges a meeting outside of the employee's (who has raised the grievance) normal working hours.

5 RIGHT TO REPRESENTATION

- 5.1 Employees have the right to advice and guidance and to be accompanied or represented by a trade union representative or fellow work colleague at any formal stage of the Grievance Procedure. Employees are encouraged to make use of the facility and to seek advice and guidance.
- 5.2 In exceptional circumstances, a representative who is not a trade union representative or fellow work colleague may be permitted, for example, if there are medical reasons or as a reasonable adjustment. This will be at the sole discretion of the manager conducting the meeting. Legal representation, specialist employment law advisers and similar, will not be allowed.
- 5.3 Employees and their representatives (where applicable) should be consulted on the timing of meetings to consider a grievance under the procedure. However, it is the responsibility of the employee to ensure that his/her chosen representative knows as soon as possible the need to attend on the relevant date (subject to the provisions of paragraph 4 above). Employees should ensure that their chosen representative does not have any conflict of interest or issues that may prejudice the grievance.
- 5.4 Representatives are allowed to address the grievance meeting to present the employee's case, to sum up the employee's case, to confer with the employee and to present any questions on behalf of the employee to any witnesses. The representative has no right to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the employee from explaining their case.

6 ROLES AND RESPONSIBILITIES

6.1 Manager's Responsibilities

6.1.1 Managers who participate in any stage of the Grievance Procedure must have an understanding of the details and operational requirements.

6.1.2 Wherever possible, it is the responsibility of the employee's immediate line manager (where s/he was not involved in the matter giving rise to the dispute) to take a lead in resolving the grievance.

6.1.3 The responsibilities of managers include the following:

- Ensuring that employees are made aware of the Grievance Procedure and where it can be accessed as part of the induction process
- Responding promptly to try and resolve any informal complaints through the normal day to day management processes and, to a formal grievance if raised by an employee within the specified timescales
- Taking grievances seriously, considering all relevant information as appropriate and acting reasonably and consistently to ensure fairness and equality
- Ensuring that where an employee submits a formal grievance, the employee has fully completed the Grievance Notification Form (and/or provided the relevant information), receipt is acknowledged in writing and arrangements are made to convene a Stage 1 grievance meeting
- Making reasonable arrangements for grievance meetings, including the timing, date and location, ensuring where meetings are documented, copies are provided to the employee together with the written decision in response to the grievance within specified timescales
- Ensuring an employee's or their representative's disability is considered and any appropriate arrangements made, (see paragraph 7.6.1)
- Implementing action(s) to resolve a grievance and keeping the employee concerned and his or her representative (if applicable) informed of progress
- Maintaining and retaining confidential records of all stages of the grievance and providing copies to the Human Resources department to be retained on the employee's file in accordance with HR record keeping practices and the requirements of the Data Protection Act 1988

6.2 Role of Human Resources

6.1 At all stages of the Grievance Procedure, in addition to those stages where there is a specific requirement, the HR Shared Service Centre (HRSCC) may be consulted for advice in the first instance. Depending on the complexity of the case, it may be referred to representatives of the Core HR Function.

6.2 The responsibilities of the HRSSC include the following:

- Providing advice to managers on the informal resolution of grievances
- Providing advice to managers on responding to a formal grievance under Stage 1 of the procedure
- Providing advice to managers and attending Stage 2 grievance appeal meetings
- Providing advice to managers on writing grievance outcome letters
- Logging formal grievances/appeals on the HR management information database, to ensure monitoring requirements under key performance indicators are met, including obligations under the Race Relations Amendment Act and Council's Equality and Diversity Policy/Scheme
- Retaining confidential records of grievances on employee files in accordance with HR record keeping practices and the requirements of the Data Protection Act 1998.

6.3 Employee responsibilities

6.3.1 The responsibilities of employees include the following:

- Wherever possible, raising complaints and possible solutions informally with their manager, before starting the formal Grievance Procedure
- Being aware of the timescales and stages of this procedure and making every effort to comply. (Where a formal grievance is issued 3 months or more after the incident complained of, then the Council reserves the right to decline to follow this procedure)
- Completing the Council's Grievance Notification Form to raise a formal grievance and providing all the required information, to ensure the subject matter of the grievance is clearly understood at the start of the procedure to enable the grievance to be dealt with effectively, in particular, explaining the basis of the grievance, the full reasons for submitting it and what possible remedy/outcome they are seeking
- Submitting the completed Grievance Notification Form to the relevant manager and a copy to the HRSSC
- Notifying an intention to appeal against the outcome of a Stage 1 grievance meeting if they wish, in writing, and then completing the Grievance Appeal Notification Form to state the full grounds for the appeal

7 ABOUT THE PROCEDURE

7.1 Group Grievances

- 7.1.1 Where a trade union representative lodges a complaint on behalf of two or more named employees, then this Grievance Procedure will not apply in relation to that collective dispute. The complaint will be dealt with through established arrangements between the Council and recognised Trade Unions.
- 7.1.2 In other circumstances, if more than one employee has raised a complaint about the same subject matter without the involvement of a trade union representative, a group grievance may be raised. The term 'group grievance' reflects the fact that a number of employees may be affected by the same or very similar issues, which they want to be considered as a group, rather than individually. The manager should consult the Human Resources department in the first instance for advice on how to proceed.
- 7.1.2 The manager should encourage the group to nominate a spokesperson to represent the group. Group grievances should be raised and resolved informally wherever possible, by discussion with the appropriate manager, and may require more than one meeting depending on the size of the group, and complexity of the subject matter. If the group complaint is not resolved on an informal basis, and the group wishes to raise a formal grievance, the nominated spokesperson should seek the consent of all employees concerned by submitting the Grievance Notification Form in Appendix 1 to the relevant manager, with the employee details of all the members of the group listed on a separate sheet, signed and dated by them all.
- 7.1.3 It will not be normal practice to meet with the entire group, unless it is established that failure to do so would prejudice a fair and balanced consideration of the group grievance. Where it is not practical to invite the entire group to attend the grievance meeting, the spokesperson will be invited to present the group grievance on their behalf.
- 7.1.4 Individuals within the group have the right to pursue their complaint whether or not other members of the group withdraw at any stage. If a member of the group no longer wishes to participate, s/he may opt out by stating this in writing to the appropriate manager.

7.2 Malicious/Vexatious Grievances

- 7.2.1 The Council will not tolerate grievances that are vexatious or malicious. Any misconduct will lead to disciplinary action under the Council's Disciplinary Policy and Procedure. Deliberate dishonesty during the grievance process will be considered to amount to gross misconduct, and may lead to dismissal.

7.3 Multiple Grievances

Where an employee raises multiple grievances about related matters at the same time, the same manager will normally consider and respond

to them together. This will make it more likely that possible linkages or wider implications are explored together. Managers should seek advice from the Human Resources department if in doubt on how to proceed with the handling of multiples grievances.

7.4 Confidentiality

- 7.4.1 All parties involved need to respect confidentiality at all times. Information must not be shared with anyone except those directly involved. This does not preclude a confidential consultation with a trade union representative or fellow work colleague.
- 7.4.2 Circulation of information will be that which is necessary, to ensure a fair investigation and consideration of the grievance. Unnecessary disclosure of confidential information at any stage may lead to disciplinary action under the Council's Disciplinary Procedure.
- 7.4.3 All grievances under this procedure will be taken seriously. It may, therefore, not be possible to guarantee confidentiality in all cases, for example, where an employee raises a grievance about criminal activities, or reveals information that will put the health and safety of employees and/or service users at risk or, if as a result of the grievance the Council decides to commence disciplinary action against another employee. However, the Council will as far as possible, take reasonable steps to protect the employee's identity where s/he raises a concern and does not want his/her name disclosed. A written statement by the employee, attendance at a disciplinary hearing, interview by the police etc, may be required as part of the action relating to the grievance.

7.5 Whistleblowing

- 7.5.1 Where a written statement is received from an employee that relates to allegations of unlawful or illegal conduct by an officer or councillor, this may fall within the scope of the Public Interest Disclosure Act 1998. Managers should seek immediate advice from the Human Resources department before taking any further action under the Grievance Procedure. If as a result it is determined that the matter should be referred for action outside of the Grievance Procedure, then the Whistleblowing Policy will apply and the manager should advise the employee of this as appropriate in writing, within 7 working days of receipt of the written statement. The employee will be asked to confirm whether it is their intention for the disclosure to constitute the raising of the matter as a grievance. The Grievance Procedure is only applicable if the information relates to a matter where it concerns the Council's action in relation to the employee. (See paragraph 2.1 above for the definition of a grievance)

7.6 Support and Resources for Employees

7.6.1 Employees may wish to consult their trade union representative or fellow work colleague, or get in touch with an Equalities Officer who can talk through the grievance issues with them. The Council also provides free, confidential access to an employee help line service, which is available 24 hours a day. Contact details are available from the manager, by accessing the Council's Intranet or by telephoning the Human Resources department. Employees should be encouraged to use these services.

7.6.2 The Council will not tolerate abuse of the procedure; therefore anyone found to have harassed or treated an employee less favourably for having raised a grievance may be liable to disciplinary action.

7.7 The Disability Discrimination Act 1995 (DDA)

7.7.1 Appropriate reasonable adjustments should be made for an employee and/or their representative if they have a disability within the meaning of the DDA, to ensure they are not disadvantaged and can participate fully in the grievance process. For example:

- Considering the use of a signer and choosing an appropriate room if an employee or representative has a hearing disability
- Encouraging an employee to seek help from a work colleague, trade union or other neutral person, if they are unable to complete the Grievance Notification Form because of their disability
- Explaining the details of the Grievance Procedure orally if an employee has a difficulty with reading
- If an employee has difficulty expressing themselves due to learning disabilities and requests that someone who is not a trade union or workplace representative accompanies them at the grievance meeting, the manager may agree to this as a reasonable adjustment

7.7.2 The nature of reasonable adjustments that should be considered will depend on an assessment of all the facts and individual circumstances.

7.7.3 For further advice and information, consult the Council's Good Management Guide on the Employment of Disabled People or seek advice from Human Resources.

7.8 Mediation

7.8.1 Mediation may be looked at as a possible means of resolving grievances throughout the Grievance Procedure. Mediation is voluntary and can only take place where both parties agree to it. The mediator is an independent person. The mediator's role is to work with those involved to try to find a positive way forward. The mediator will not judge the grievance, who is right or wrong, apportion the blame or tell the parties involved what to do. Instead they will work towards developing communication and empathy by seeking common ground

and consensus. The mediator will work with all parties involved to consider future needs, expectations and options. Managers should seek advice from Human Resources to initiate the process for mediation, which will be discussed individually and fully with both parties prior to their participation and then with both parties present. Not all grievances will be appropriate for mediation and each case will need to be considered on its own merits. The decision to acquire mediation is made by the Service Head or employing Service Director.

7.9 Investigating the Grievance

7.9.1 The format of a grievance meeting (at each stage of the Grievance Procedure) will be relevant to the circumstances of the case and may include, where necessary:

- Interviewing relevant witnesses named by the employee raising the grievance
- Considering any relevant documentation and
- Any other reasonable action(s) required in determining the facts in order to reach a decision

7.9.2 A meeting under any stage of the Grievance Procedure may be adjourned at the request of either side to collect further details or evidence. In exceptional circumstances, the manager responsible for holding the grievance meeting may delegate the task of investigating the factual substance of the grievance to another officer, who – in those circumstances – must prepare a written report of their findings. Where this occurs, the manager holding the grievance meeting is still responsible for fully considering and responding to the grievance within the required timescales. At the reconvened meeting, they must give the employee the opportunity to comment on the findings in the report, before making the decision on the outcome.

7.10 Witnesses

7.10.1 If the manager considering the grievance asks any relevant employee for information, documents, a written statement and/or attendance at a grievance meeting, they are expected to cooperate in a timely manner so that the grievance process can proceed within the timescales of the procedure.

7.11 Keeping Records

7.11.1 Managers should make and retain all relevant records. It is advisable to retain records of the outcome of informal complaints. It is essential to maintain full written records regarding formal grievances, including what is discovered and decided at each stage of the Grievance Procedure. Records should include:

- The nature of the grievance raised

- A copy of the written grievance
- The manager's response
- Action taken
- Reasons for action(s) taken
- Whether there was an appeal and if so, the outcome and
- Subsequent developments

7.11.2 Once a grievance is completed, the manager should send the records to the Human Resources representative providing advice on the case, to be retained in accordance with HR record keeping practices.

7.11.3 The manager may take notes at meetings for their own purposes, which are sufficient to enable the key decisions to be made. Copies of any formal minutes that are taken should be given to the employee.

7.11.4 Records must be treated in the strictest confidence and kept in accordance with the Data Protection Act 1998.

7.12 Grievances and Disciplinary Action

7.12.1 Where a grievance is raised at the commencement of, or in the course of disciplinary action, this will not normally prevent the continuation of the disciplinary process. Where the grievance relates to the disciplinary action itself, then the employee can make any representations within the ambit of the Disciplinary Policy and Procedure, and not as a separate grievance (subject to the exception in 7.12.2 below).

7.12.2 The exception to paragraph 7.12.1 is where the disciplinary action does not involve an actual or contemplated dismissal, and the employee's grievance alleges that the disciplinary action in itself is:

- An act of discrimination on the grounds of age, sex, race, disability, religion/belief or sexual orientation, or
- Due to ulterior motives, i.e. the true grounds on which the disciplinary action is being taken or contemplated are unrelated to the grounds asserted by the manager.

In these circumstances the grievance is considered separately and in parallel to the disciplinary process.

7.12.3 Where disciplinary action is being taken against an employee, and that employee raises a grievance about an unrelated matter, the grievance process is conducted separately and in parallel to the disciplinary process.

7.12.4 Where, in the course of dealing with the grievance (at any stage), it becomes apparent that disciplinary offences may have occurred involving either the employee or another employee, the employee(s) concerned will be subject to the Disciplinary Procedure. The alleged

offence(s) should be investigated as part of a disciplinary investigation and the employee(s) concerned, may be required to attend a disciplinary hearing.

7.13 Police Involvement

7.13.1 Where the grievance involves actions that may be considered to be a criminal offence, the Council will contact the Police.

7.14 Working and Management Arrangements during Grievance

7.14.1 Any employee pursuing a grievance should continue to work normally while the grievance is being considered. Generally the status quo will be maintained during the grievance process, unless doing so could result in serious problems for either the employee or the Council. The decision on any alternative working and management arrangements whilst a grievance is being dealt with will rest with the appropriate manager. The views of the employee will be taken into account; however, it is important service delivery is not disrupted. Where a grievance is about a decision, which is about to affect, or which has already affected an employee, then the implementation of that decision does not necessarily have to be postponed pending the outcome of the grievance.

THE GRIEVANCE PROCEDURE

8 INFORMAL ACTION

8.1 Employees are expected to raise issues informally with their immediate line manager in the first instance, before using the formal Grievance Procedure. Managers are expected to try to resolve the vast majority of issues on an informal basis through day to day management and supervisory arrangements, without recourse to the formal Grievance Procedure.

8.2 In the first instance, an employee should discuss the matter(s) with his/her immediate line manager on a one-to-one basis. An employee should raise the informal matter(s) promptly and as soon as reasonably practical. The manager should respond to the matter(s) at the time or as quickly as possible. If this is not possible, the manager should normally provide a response (orally or in writing depending on how the matter was raised) to the employee within 10 working days of the discussion. It is reasonable to expect that in most cases an informal discussion between an employee and their manager will resolve the matter(s) and possible solutions are jointly considered. Managers should keep a record of all discussions and action(s) taken to resolve the matter(s).

- 8.3 Managers should also make the employee aware at this stage of their right to raise a formal grievance through the following procedure if they are dissatisfied with the informal response and the employee's right to be accompanied or represented by a trade union representative or fellow work colleague during the formal grievance process.
- 8.4 Where an employee considers the matter(s) is such that a formal clarification is required and the informal route is inappropriate, then the employee may raise it formally in writing in accordance with section 9 of this procedure.

9 FORMAL GRIEVANCES

9.1 Stage 1 – Raising a Formal Grievance

- 9.1.1 Where an employee wishes to raise a formal grievance, s/he should set out the grievance in writing, by completing the Grievance Notification form, within 3 months of the date of the incident complained of, or from the date of the latest incident if there have been a number of related incidents over a period of time. (Where a formal grievance is issued 3 months or more after the incident complained of, then the Council reserves the right to decline to follow this procedure). The Grievance Notification Form is contained in Appendix 1 of this procedure and available to download from the Council's Intranet, or on request from the manager or HRSSC.
- 9.1.2 The employee may seek assistance in completing the form from any of the people referred to in the above paragraph 7.5 Support and Resources for Employees. The employee should submit the completed Grievance Notification Form to their normal manager, (or their manager's manager, if the grievance is against their own manager or is about a decision taken by their manager whom it would normally be raised with). The employee should also send a copy of the Grievance Notification Form to the HRSSC and retain a copy for their own records.
- 9.1.3 The Grievance Notification Form should clearly state:
- The details of the employee and his/her representative (if applicable)
 - The full nature of the grievance: including a description of the matter which is complained of and the reasons that the employee is aggrieved
 - Any attempts to deal with the matter informally and why the employee is not satisfied with the informal response
 - What resolution/outcome(s) the employee is seeking
 - Any relevant documents or other evidence if the grievance refers to them and attach copies, and

- Be signed and dated

NB: The grievance meeting will not take place unless and until the employee has supplied the above information. If the employee does not supply all of the required information, then the manager will write to the employee within 5 working days and invite the employee to supply the appropriate information, and draw the employee's attention to the contents of paragraphs 6.3, 7.6 and 9.1.3. Where a formal complaint is submitted in writing other than on the Grievance Notification Form and includes all the information required on the form, the manager should acknowledge receipt in writing within 5 working days and invite the employee to a meeting in accordance with the following paragraph. Where the written complaint is unclear, the manager should write to the employee and ask the employee if s/he wishes it to be treated as Stage 1 of the formal Grievance Procedure and for any further information as required.

- 9.1.4 The date the manager receives the Grievance Notification Form will be the date the grievance is logged on the HR management information database. (If the matter is to be dealt with through another relevant procedure, the employee will be informed of the process).
- 9.1.5 On receiving the Grievance Notification Form, the manager will acknowledge receipt in writing within 5 working days and invite the employee to a meeting. The meeting should take place within 10 working days from the date the manager receives the Grievance Notification Form. If the manager is unable to meet within this timescale, s/he must explain why this is to the employee in writing, within 10 working days from the date of receiving the Grievance Notification Form and notify the employee of the agreed date and time for the meeting. The manager's letter will inform the employee that they have the right to be accompanied or represented by a trade union representative or fellow work colleague at the meeting. Where possible, the manager should consult the employee and his/her representative (if applicable) on the date, time and venue for the meeting, rather than notification being given.
- 9.1.6 The employee should make every effort to attend the meeting. If the employee's representative cannot attend on a proposed date, an alternative date may be arranged, so long as it is reasonable, and is not more than 5 working days after the date originally proposed by the manager. The 5 day time limit may be extended by mutual agreement. Repeated failure to accept reasonable offers of a meeting date or attend scheduled meetings may result in the grievance meeting going ahead in the employee's absence.
- 9.1.7 A suggested format on holding a grievance meeting is available in Appendix 3. At the Stage 1 grievance meeting, the manager will invite the employee to explain their grievance and say how they think it should be resolved. The manager should listen carefully to the points

being made by the employee and be satisfied that they have sufficient information before responding to the grievance and deciding what appropriate action(s) to take. If the manager considers further enquiries are necessary, for example, interviewing other employees or third parties, or calling for further documents, the meeting should be formally adjourned to allow these to be completed. The manager should establish all the facts of the grievance and re-convene the meeting with the employee and his or her representative (if applicable) to consider the enquiries made and/or if the attendance of witnesses is required (See 7.8.2).

9.1.8 After the conclusion of the Stage 1 grievance meeting, the manager will notify the employee in writing of their decision and the reasons leading to it within 10 working days. Where it is not possible to respond within 10 working days of the meeting, for example, the meeting has been formally adjourned pending an investigation, the manager should notify the employee of this in writing and state the reasons for the delay in reaching a decision and by when the employee can expect a response.

9.1.9 The written response must advise the employee of:

- The manager's findings
- The reasoning behind any decision
- Any proposed action(s)/recommendation(s) to resolve the position or that there will be no action
- The right of appeal (including details of the time limit for appeal and the identity of the manager to whom the appeal should be submitted)

9.1.10 Where no appeal is received, this constitutes the end of the grievance matter.

9.2 Stage 2 - Appeal Against A Decision At Stage 1

9.2.1 Where an employee wishes to appeal against the decision reached at Stage 1, they should notify their intention of appeal in writing, within 5 working days of the date of the Stage 1 written response. The employee should then submit the full grounds for the appeal by completing the Grievance Appeal Notification Form, clearly stating why they feel the decision was wrong and why they continue to be aggrieved within a further 10 working days (i.e. within 15 working days of the date of the Stage 1 written decision). This should include a copy of the Stage 1 Formal Grievance Notification Form, the written response and copies of all relevant documentation. The appeal must relate to the original grievance and no new matters may be introduced. The manager hearing the Stage 2 grievance appeal meeting will acknowledge receipt of the appeal notification within 5 working days and arrange to meet with the employee. The Grievance Appeal Notification Form is contained in Appendix 4 of this procedure and available to download from the Council's Intranet or on request from the manager or HRSSC.

- 9.2.2 The Grievance Appeal meeting will normally be heard by the more senior manager identified in the Stage 1 outcome letter, who must not have previously been involved in the grievance. A Human Resources representative will also attend the meeting. A manager from another service may be nominated to consider the grievance where this is necessary to ensure objectivity and impartiality.
- 9.2.3 The meeting should take place within 10 working days from the date the manager receives the full grounds for appeal. If the manager is unable to meet within this timescale, s/he must explain why this is to the employee in writing, within 10 working days from the date of receipt of the appeal and confirm the date the meeting will take place. The manager's letter will inform the employee that they have the right to be accompanied or represented by a trade union representative or fellow work colleague at the meeting. Where possible, the manager should consult the employee and his/her representative (if applicable) on the date, time and venue for the meeting, rather than notification being given.
- 9.2.4 The purpose of the Stage 2 Grievance meeting will be to:
- Allow the employee to present their original grievance and the reason(s) why s/he is unhappy with the outcome of the Stage 1 Grievance decision and why they continue to be aggrieved
 - Allow the manager who conducted Stage 1 (where appropriate) and any other relevant parties involved in the grievance to attend the meeting and make any representations, and
 - Enable the manager conducting the meeting to reach a decision about the appeal and whether to take any action(s)
- 9.2.5 If the manager considers that further enquiries are required, then the Stage 2 meeting may be formally adjourned while such enquiries are made (Refer to paragraphs 7.9 and 9.1.7above).
- 9.2.6 The manager conducting the Stage 2 grievance appeal meeting will notify the employee of their decision in writing within 10 working days. Where it is not possible to respond within 10 working days of the meeting, for example, the meeting has been formally adjourned pending further enquiries, the manager should notify the employee of this in writing and state the reasons for the delay in reaching a decision and by when the employee can expect a response.
- 9.2.7 The written response must advise the employee of:
- The manager's findings
 - The reasoning behind the final decision
 - Any proposed action(s)/recommendation(s) to resolve the position or that there will be no action
 - That this is the final stage of the Council's grievance process

10 MONITORING AND REVIEW

- 10.1 The Council will monitor the application and compliance of the Grievance Policy and Procedure against the relevant key performance indicators and by collating confidential details of the nature of all formal grievances and outcomes. The Grievance Policy and Procedure will be reviewed on a regular basis and changes and improvements made where necessary. The recognised trade unions will be consulted on any proposed changes, in accordance with the relevant provisions of Part 1 of the Council's Local Terms and Conditions of Service.

APPENDIX 1 – FORMAL GRIEVANCE NOTIFICATION FORM

An employee and or their representative should use this form to raise a formal grievance under the Council's Grievance Procedure. The form is designed to ensure the grievance is clearly understood at the outset and dealt with speedily and effectively.

1. EMPLOYEE DETAILS

First name:		Surname:	
Job title:		Location:	
Directorate:	Division:		Business Unit:
Name of line manager:		Telephone:	

2. REPRESENTATIVE DETAILS

Please state clearly the name and contact details of any representative to be included as a point of contact for further information.

First name:	Surname:
Name of Trade Union (if applicable) or workplace/section of representative:	Telephone:
Please identify any dates when you or your representative are not available to meet to discuss the grievance:	

3. THE FORMAL GRIEVANCE

<p>Please state clearly the full nature of your grievance in as much detail as necessary to assist the manager concerned reach a resolution. Describe the decision, policy or conduct of the Council, which you are complaining about. State fully how you are, or will be, affected by the issue. State why you disagree with the Council's actions or intentions in the matter. If referring to specific incidents, please include (so far as you are able) details of dates, times, places and the people involved. If referring to documents please attach copies if possible or supply details for the Council to be able to identify and locate a copy of the document mentioned.</p>

Please continue overleaf and on another sheet if necessary.

4. INFORMAL APPROACH

Have you attempted to resolve the matter informally? Y / N

If YES, what was the outcome and why you are not satisfied with the informal response.

Please continue overleaf and on another sheet if necessary.

5. OUTCOMES OR REMEDY SOUGHT

What resolution / outcomes are you seeking?

Please continue overleaf and on another sheet if necessary.

Note: This will be the basis of your grievance throughout the procedure. Therefore you may wish to seek advice from your representative prior to completion. It is important that the Council knows at the outset what your complaint is, and the reason that you believe the complaint is justified. If you wish to change the basis of your grievance, or wish to add further complaints to it, during the procedure, then this is likely to cause delay. Furthermore, you can only do so if you submit full details in writing in good time before the meeting takes place.

6. EMPLOYEE STATEMENT:

I have read the Council's Grievance Procedure and submit this grievance in accordance with its provisions.

Signature:	Date:
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On completion, please return this form to your line manager (in cases where the grievance is against the manager, to that person's manager). A copy should also be forwarded to the Human Resources department for the attention of the Director of Human Resources and Organisational Development Perceval House, 4th floor, NW. Please retain a copy for your own records.

FOR COMPLETION BY THE RECEIVING MANAGER

Date form received:	
Name of HR representative informed:	
Date of meeting with employee:	
Date decision conveyed to employee/ reference of letter (attach copy):	
Signed:	Date:

On completion return to HR representative together with copies of all correspondence

FOR COMPLETION BY HR

Date form received:	Actioned by:
Place on employee file and ensure case is logged on Resourcelink	

APPENDIX 2 - STATUTORY MODIFIED GRIEVANCE PROCEDURE

The Modified Grievance Procedure

The modified (two-step) grievance procedure can apply in circumstances referred to in 3.6 of the Grievance Policy and Procedure.

It applies where the employment has ended and:

- either the employer was not aware of the grievance before the employment ended, **OR**
- if the employer was aware, the normal grievance procedure had not started or had not been completed by the time the employment ended, **AND**
- The parties agree in writing that the modified, rather than the standard, grievance procedure shall apply.

Step One - Statement of Grievance

The grievance must be set out in writing and state:

- The nature of the grievance;
- The basis for it;
- Desired outcome; and
- Submit relevant evidence.

The person may find it useful to use the Council's Grievance Notification Form to help in formulating the grievance. The employee must send the statement or a copy of it to their former manager within 3 months of the incident complained of, or from the date of the latest incident if there have been a number of related incidents over a period of time.

Step Two - Response

- The appropriate manager must set out their response in writing and send the statement or a copy of it to the employee.

NB: This statutory modified procedure can replace all and any stage of the procedure.

APPENDIX 3 – GUIDANCE OUTLINE OF A GRIEVANCE MEETING

The steps below are available as guidance for the order of grievance meetings.

Prior to any meeting, the manager conducting the meeting will ensure all the relevant documentation is circulated to all parties.

1. The manager conducting the meeting will introduce all parties present and outline the procedure and process.
2. The manager conducting the meeting will ask the employee and/or representative to explain the employee's grievance and how they think it should be settled, including any evidence or the names of any witnesses who they propose should be called.
3. The manager conducting the meeting may ask questions of the employee as the grievance is put forward.
4. The manager conducting the meeting may respond to the employee's case, allowing the employee and/or representative to ask further questions.

NB: If the manager conducting the meeting considers further enquiries are necessary and/or is not sure how to deal with the grievance, the meeting may be formally adjourned to undertake further investigation and/or to seek advice. The meeting should be re-convened at a mutually agreed date to consider any further enquiries made and for the attendance of any witnesses if required. The manager conducting the reconvened meeting should allow the employee and his/her representative an opportunity to comment on the further enquiries made and ask questions of the witnesses if required.

5. The manager conducting the meeting will ask the employee and/or representative to sum up, if they wish, the employee's case.
6. The manager conducting the meeting sums up what has been heard and the next course of action / steps.

In all cases, after the meeting the manager conducting the meeting must inform the employee of their decision as to their response to the grievance (and notify them of their right of appeal against the decision if they are not satisfied with it following a Stage 1 meeting). This should be within five working days of the meeting, together with copies of any formal minutes or meeting records that may have been taken. If it is not possible to respond within five working days of the

meeting, the employee should be given an explanation for the delay and told when a response can be expected in writing, within five working days of the meeting.

Notes

- Timing and location of meetings must be reasonable
- The manager conducting the meeting should ensure it is not interrupted and the proceedings are kept confidential.
- The manager conducting the meeting should consider and make appropriate reasonable adjustments in respect of an employee's and his/her representative's disability e.g. taking the time to explain the detail of the grievance procedure for people who do not speak English very well or who have a difficulty with reading.
- Meetings must be conducted in a manner that enables the manager and employee to explain their cases.
- A more senior manager must conduct Stage 2 grievance appeal meetings.
- An HR representative will attend Stage 2 grievance appeal meetings.

APPENDIX 4 - GRIEVANCE APPEAL NOTIFICATION FORM

An employee and or their representative should use this form to appeal a formal grievance under the Council's Grievance Procedure. The form is designed to ensure the grievance is clearly understood at the outset and dealt with speedily and effectively.

1. EMPLOYEE DETAILS

First name:		Surname:	
Job title:		Location:	
Directorate:	Division:		Business Unit:
Name of line manager:		Telephone:	

2. REPRESENTATIVE DETAILS

Please state clearly the name and contact details of any representative to be included as a point of contact for further information

First name:	Surname:
Name of Trade Union (if applicable) or workplace/section of representative:	Telephone:
Please identify any dates when you or your representative are not available to meet to discuss the grievance:	

3. REASONS FOR APPEAL

Date of Stage 1 grievance:	Date response received:
Please state clearly the reasons why you are dissatisfied with the Stage 1 grievance outcome in as much detail as necessary to assist the manager concerned to reach a resolution, continuing on a separate sheet if necessary. Describe in detail why you feel the decision was wrong and why you continue to be aggrieved. Please attach copies of all the documentation from the Stage 1 grievance process.	

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4. REMEDY OR OUTCOMES SOUGHT

What resolution / outcomes are you seeking?
<i>Please continue overleaf and on another sheet if necessary.</i>

Note: This will be the basis of your appeal. Therefore you may wish to seek advice from your representative prior to completion.

6. EMPLOYEE STATEMENT:

I have consulted the Council's Grievance Procedure and wish to submit this appeal against the Stage 1 grievance outcome in accordance with its provisions.

Signature:	Date:
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On completion, please return this form to your line manager (in cases where the grievance is against the manager, to that person's manager). A copy should also be forwarded to the Human Resources department for the attention of the Director of Human Resources and Organisational Development. Please retain a copy for your own records.

FOR COMPLETION BY THE RECEIVING MANAGER

Date form received:	
Name of HR representative informed:	
Date of meeting with employee:	
Date decision conveyed to employee/ reference of letter (attach copy):	
Signed:	Date:

On completion return to HR representative together with copies of all correspondence

FOR COMPLETION BY HR

Date form received:	Actioned by:
Place on employee file and ensure case is logged on Resourcelink	