

## GRIEVANCE PROCEDURE

### 1 Scope

- 1.1 Grievances are concerns, problems or complaints. They can relate to the employee's work, working conditions or working relationships. The aim of this procedure is to give employees a mechanism for raising issues with a view to resolving them. Any employee wishing to use this procedure can do so freely without prejudice to their role.
- 1.2 This procedure applies to all Hackney employees (except Chief Officers and school based staff, who have their own procedures); and should be used where an employee raises a concern, problem or complaint with a manager and indicates that they want the manager to take action.
- 1.3 Employees who abuse the grievance process by making complaints (either singular or multiple) that are false and not made in good faith will be subject to the Council's disciplinary procedures.
- 1.4 Throughout this process support will be available to the employee who raised the grievance and the employee that the grievance is about.

### 2. Operating Principles

- 2.1 Managers will apply the following principles when using the grievance procedure:-
  - Deal with matters without delay - it is in the interests of all concerned for problems to be resolved before they develop into major difficulties;
  - Be consistent and treat like cases alike;
  - Be sensitive to the feelings and emotions of those involved; but remain objective and focused on resolution

### 3 Before Using this Procedure

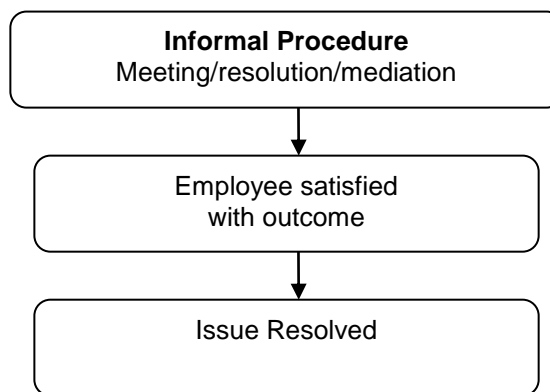
- 3.1 All parties should attempt to explore informal resolution by talking the issue through e.g. as part of day-to-day management or routine meetings between employees and their managers; or informal meetings between employees.

**Note:** Informal action has the same status as normal supervision. Neither employees nor managers will be accompanied to informal meetings. However, Managers should keep notes of the discussion.

**Note:** Employees seeking informal resolution may get advice and support from a trade union representative or colleague.

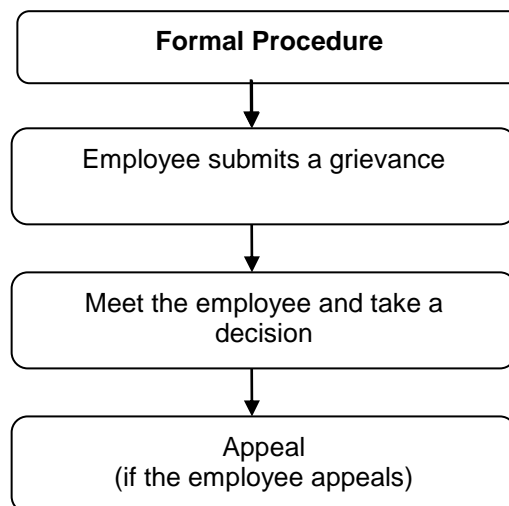
3.2 All parties should consider mediation if the complaint involves conflict or disagreement between employees or between a manager and an employee, and if it will help resolve the conflict. Mediation will require agreement from both the employee complained about and the employee bringing the complaint. The Mediation process should be treated confidentially and all parties should be made aware of this.

### 3.3 The Informal Procedure



## 4. The Formal procedure

4.1 The procedure is summarised as follows:



*Diagram 1 (above): The grievance procedure*

## **5 Employee Submits a Grievance**

- 5.1 Employees should set out their grievance in writing to their manager. If the grievance relates to the actions or decisions of the employee's manager, then the grievance should be sent to the next level of management.
- 5.2 Employees are guided as follows:-
- Grievances should normally be made within 3 months of the event/issue (or the last event/issue where there is a chain of events).
  - The nature of the complaint should be clear; and focused on resolution. The information included should be factual and relevant (e.g. names, dates, witnesses, etc.)
  - Employees bringing grievances should bear in mind the principles of fairness and transparency. If the grievance is a complaint about a named employee, it is likely that the grievance will be disclosed to them.
  - Employees should stick to the facts and avoid abusive or insulting language.
  - Grievances may not be raised against Directors or senior managers just because he or she is ultimately responsible for the service.
- 5.3 A grievance *will not be accepted* where:-
- the complaint is against the final decision made at a grievance appeal (i.e. where the grievance procedure has been exhausted); *or*
  - the complaint is against employees who are already subject to a disciplinary sanction for the same complaint; *or*
  - the complaint is about the outcome of a process which already has an appeal mechanism.
- 5.4 Employees with a wider public interest complaint are encouraged to raise concerns under the Council's *Whistle-blowing Policy and Procedure*.
- 5.5 The employee's line manager will investigate and decide the outcome of the grievance unless they are named in the grievance as outlined in paragraph 4.1 above. The manager must acknowledge receipt of the grievance in writing within 10 working days. The acknowledgement will also set out the manager's proposed timetable for considering the grievance and course of action. If the proposed timetable is expected to slip, the manager must advise the employee in writing of the revised timetable.

## **6 Meet with the Aggrieved Employee and take a Decision**

- 6.1 The manager *must* meet formally with the aggrieved employee to listen to their complaint and explore possible resolution.
- 6.2 The meeting should be arranged without unreasonable delay. Managers will give the employee at least 5 working days' written notice of the meeting.
- 6.3 Employees have the right to be accompanied at the grievance meeting by a colleague or trade union representative. Managers must confirm this in the written

invitation to the grievance meeting. The employee's companion may sum up or put the employee's case but may not answer direct questions on the employee's behalf.

- 6.4 Depending on the circumstances of the grievance, the manager may decide to:-
- investigate and consider any evidence/issues *before or after* the meeting; or
  - *may choose to adjourn and reconvene the meeting* following further investigation if there are matters which require further clarification or exploration with the employee.
- 6.5 The manager is responsible for the conduct of the grievance meeting.

Grievance meetings are not the same as disciplinary meetings; and can be relatively informal to encourage an open and frank discussion. The meeting must, however, remain purposeful. The manager should:

- explore the issue and not assume they already know what the problem is.
- listen carefully as the employee may just want to be listened to; and/or the issue being presented may not be the real problem.
- understand that the meeting may be a stressful experience for the employee, and take account of this when encouraging the discussion.

The typical format of a meeting is likely to include:

- stating the purpose of the meeting, outlining its format and checking that participants have received all relevant documentation;
- consideration of any preliminary points (e.g. relating to procedural matters);
- inviting the aggrieved employee to explain the issue and the resolution they seek;
- considering whether anyone else is affected by the issue and in what way;
- considering what remedy is possible, appropriate and reasonable;
- deciding on action (if any) and the timescale.

- 6.6 At or after the meeting, the manager will consider the case, which may include interviewing witnesses, and try to find resolution.

The outcome of the grievance is likely to be that all, some or none of the remedy sought is possible and/or reasonable given the circumstances. Where the remedy sought is not possible, consider whether any other action is possible and appropriate.

- 6.7 The decision should be communicated to the employee in writing within 10 working days.

#### 6.8 **Note on collective grievances**

This procedure covers collective grievances, which will be handled in a way appropriate to the circumstances. However collective grievances should not be used as a way of by-passing the Council's machinery for consulting and resolving disputes with the trades unions.

## **7 Appeal**

- 7.1. Where an employee feels that their grievance has not been satisfactorily resolved they may appeal.
- 7.2 The employee should submit a written appeal request, stating the reasons why they are appealing the decision. The appeal should be forwarded to the Service Head/Assistant Director for the service within 10 working days of receiving the letter confirming the outcome of the grievance meeting.
- 7.3 The appeal should be dealt with impartially and by the manager of the manager who investigated the grievance, provided they have not previously been involved in the case. In circumstances where another manager has been appointed to investigate the grievance, the manager hearing the appeal must be at least at the same level of seniority as the manager who took the grievance decision.
- 7.4 The manager considering the appeal must acknowledge receipt of the appeal request in writing within 10 working days. The acknowledgement will also set out the manager's proposed timetable for considering the appeal. If the proposed timetable is expected to slip, the manager must advise the employee in writing of the revised timetable.
- 7.5 The manager considering the appeal will invite the employee to a meeting, unless the matter can be appropriately addressed in writing without the need for a meeting. An appeal meeting (or a written response to the appeal) will be arranged without unreasonable delay after an appeal is received.
- 7.6 Where there is an appeal meeting, the manager will invite the employee in writing and will:-
- give the employee at least 5 working days' notice of the meeting;
  - confirm that the employee may be accompanied by a trade union representative or work colleague
- 7.7 At the appeal meeting, the manager considering the appeal will give the employee the opportunity to put their case, will review the evidence and consider any new evidence.
- 7.8 At or after the appeal meeting, the manager will consider the case and reach a decision. The options available to the manager considering the appeal are to:-
- confirm the original grievance meeting outcome; or
  - substitute a different decision and decide on a remedy

The manager will issue the employee with a letter confirming their decision within 10 working days of the appeal meeting.

## **8 Post-employment Grievances**

- 8.1 Managers should deal appropriately – and normally set out the response in writing - to grievances received after an employee has left the Council or where a grievance process has been started but not completed by the time the employee has left the Council. There is no right of appeal against a response to a post-employment grievance.

## **9 Record Keeping**

- 9.1 Managers must keep a written record that includes:-

- the nature of the grievance;
- what was decided and actions taken;
- the reason for the actions;
- whether an appeal was lodged;
- the outcome of the appeal;
- any subsequent developments

Copies of formal meeting records will be provided to the employee. Information may be withheld from the employee where necessary (e.g. to protect a witness).

## **SUMMARY**

### **Grievance procedure with key points**

#### **Informal Procedure**

Informal action is always best where possible and appropriate.

(See section 3)

#### **Formal Procedure**

##### **Employee Submits a Grievance**

Normally:

- Within 3 months;
- Focused on the facts and avoiding language that is insulting or abusive;
- Focused on a realistic remedy.

(See section 4)

#### **Meet the Employee and take a decision**

- Explore the issue
- Consider what remedy is possible, appropriate and reasonable; and who else may be affected.
- Confirm any action with timescales.

The employee has the right to be accompanied by a TU rep or work colleague.

(See section 5)

#### **Appeal**

The employee has the right of appeal, normally within 10 days, where he or she feels that the grievance has not been satisfactorily resolved.

(See section 6)

An independent manager invites the employee to a meeting, unless the matter can be resolved appropriately without the need for a meeting.

The employee has the right to be accompanied by a TU rep or work colleague at any meeting.

(See section 6)

The manager considering the appeal will:

- Confirm the original grievance meeting outcome; or
- Substitute a different decision/remedy.

(See section 6)

#### **Record keeping**

Managers will keep a written record of the nature of the grievance, the process followed and all decisions and outcomes.

(See section 7)

## **Grievance Procedure: Guidance on Special Circumstances**

### **1. Disabled employees**

Reasonable adjustment must be made during the process and/or meeting to ensure that the employee is treated fairly and participates fully. Adjustments could include:-

- Making other arrangements where an employee has difficulty expressing themselves in writing (e.g. assisting them to write their grievance submission)
- Changing venues to somewhere more accessible;
- Measures to help the employee participate fully e.g. a signer for a hearing impaired employee;
- Allowing a greater level of representation from the TU Rep., work colleague or someone else agreed by the Council e.g. an advocate where the employee has a learning disability;
- Allowing written representations if giving direct evidence may cause an unacceptable level of stress for the employee e.g. an employee who may have mental health issues;
- Allowing additional time to prepare or additional break times during a meeting;



## Relationship between the procedures

## Appendix 2

	Discipline	Capability	Grievance
Informal Action:	Deal with the matter informally where possible and appropriate.	Deal with the problem informally (e.g. in day-to-day management) before it escalates into a bigger problem.	Consider informal action and mediation where possible and appropriate.
Consider suspension/transfer:	Consider suspension and transfer where there is no reasonable alternative and there could be repeat offences.	Unlikely to apply.	Unlikely to apply.
Establish the facts:	Gather the facts/investigate. The investigation must only include relevant information and be balanced.	Gather specific examples of the shortfall in performance e.g. targets and deadlines not met etc...	The employee submits a grievance, normally within 3 months. The grievance must set out the facts and a realistic remedy sought.
Set out the problem:	Invite the employee to a meeting and set out the allegation. Provide them with a copy of the evidence being presented.	Invite the employee to a meeting and set out the problem and an overview of the evidence that will be discussed.	
Hold a meeting:	Hold a meeting to set out the allegation and put forward the evidence. Allow the employee to put their case, ask questions and call witnesses.	Hold a meeting to review the information gathered/assess progress. Explore remedy (actions that might resolve the problem) Allow the employee to respond to any information put forward.	Hold a meeting to explore the issue with the employee. Consider any remedy. Additional information may be sought by the manager either before or after the meeting where necessary.
Decide on appropriate action:	Adjourn the meeting for careful consideration of the facts and to gather any further information if necessary.	Decide and communicate:	Confirm any action with timescales.
	Outcomes and warnings:	- Required standard and current shortfall	
	Written warning issued:	1 year	
	Final warning issued:	2 years	
	Mgt tier for dismissal	4th	
		Issue warnings of consequences of continued poor performance.	
		To end the process, sustained improvement must be maintained for:	
		Warning issued:	1 year
		Final warning issued:	2 years
		Mgt tier for dismissal	4th
Allow an appeal:	Allow an appeal against any formal warning or dismissal. An appeal is normally lodged within 10 working days stating grounds. The employee is met, unless the appeal can be appropriately considered without the need for a meeting.	Allow an appeal against a final warning or dismissal. Appeal is normally lodged within 10 working days stating grounds. The employee is met, unless the appeal can be appropriately considered without the need for a meeting.	Allow an appeal. Appeal is normally lodged within 10 working days stating grounds. The employee is met, unless the appeal can be appropriately considered without the need for a meeting.
Note:	The employee has the right to be accompanied at formal meetings by a TU rep or workplace colleague.		