**Principles**

**of**

**Managing**

**Grievances**



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**PRINCIPLES OF MANAGING GRIEVANCES**

Contents:

[1. Introduction: 3](#_Toc119940006)

[2. Responsibilities: 4](#_Toc119940007)

[3. Application: 5](#_Toc119940008)

[4. Principles: 6](#_Toc119940009)

[5. Informal Stage (early resolution): 7](#_Toc119940010)

[Informal Grievance - Flowchart 8](#_Toc119940011)

[6. Formal Stage: 9](#_Toc119940012)

[Stage 1 – Investigation 9](#_Toc119940013)

[Stage 2 – Hearing The Grievance 10](#_Toc119940014)

[Stage 3 – Appeals 10](#_Toc119940015)

[Formal Grievance - Flowchart 12](#_Toc119940016)

[7. Mediation: 13](#_Toc119940017)

[8. Grievances Lodged During Other Formal Processes: 13](#_Toc119940018)

[9. Grievances Lodged By Ex-Employees: 13](#_Toc119940019)

**PRINCIPLES OF MANAGING GRIEVANCES**

# 1. Introduction:

Whilst employed at the Council it is hoped that all employees will be working in an environment in which they are comfortable, happy and motivated, whilst being treated fairly and with dignity and respect. However, from time to time individuals may experience situations and circumstances which give rise to unhappiness or discomfort.

The Council wishes to assist employees in resolving any such issue. To expedite this, the

Council’s Principles of Managing Grievances provides a framework which aims to facilitate a resolution at:

* an informal level without recourse to any subsequent action, or
* a formal level where the informal method has failed or proves inappropriate.

The purpose of the Principles of Managing Grievances is to ensure that, as far as possible, grievances are dealt with and resolved informally through discussion between the aggrieved employee and their line manager if appropriate.

**Terms in the Principles**

* The term ‘the manager’ refers to the manager responsible for managing the grievance
* The term ‘employee’ refers to the employee who raises a grievance
* The term ‘individual concerned’ refers to the person/s about whom the ‘employee’ has raised a grievance.

Where a complaint/grievance relates to a claim of bullying or harassment the employee should refer to the Council’s [Dignity at Work Principles.](https://enfield365.sharepoint.com/:f:/s/intranethr/EpD4CzgGhu5Fp4PiDUVHNEwBY3Kjc_n0HmzRgypFnEZXnA?e=ThRzab)

Enfield is dedicated to creating an inclusive environment for everyone, regardless of age, disability, sex, gender identity and expression, pregnancy, race, sexual orientation, religion or belief, or marriage and civil partnership.

This is further underpinned in [The Fairer Enfield – Equality, Diversity & Inclusion Policy 2021-2025 details how LBE is working towards tackling inequality. As an employer we aim to be an organisation where people from different backgrounds work together harmoniously and address any unfair treatment in the workplace relating to any of the protected characteristics.](https://enfield365.sharepoint.com/sites/Intranetchiefexec/ppec/Forms/AllItems.aspx?FolderCTID=0x012000A07A0A5D7FC8524A863F435C7093C402&id=%2Fsites%2FIntranetchiefexec%2Fppec%2FFairer%20Enfield%20page%2FFairer%20Enfield%20Policy%202021%2D2025%2DYour%20Council%2Epdf&parent=%2Fsites%2FIntranetchiefexec%2Fppec%2FFairer%20Enfield%20page)

# 2. Responsibilities:

The table below outlines the responsibilities of the employee, manager and Human Resources whenever a grievance is raised.

|  |  |
| --- | --- |
| **Whom** | **Responsibilities** |
| **Employee** | Try to resolve the grievance at the earliest possible stage, informally in the first instance by, for example, speaking to the individual concerned |
| Only raise grievances relating to matters within the Council’s control |
| Once a grievance is raised, engage in the process and conform to the principles – this includes attending meetings with the manager, the investigator (if applicable) and/or Human Resources.  Keep all matters relating to an investigation and/or outcome confidential and no discussions with colleagues or any involved third parties are permitted. |
| Be clear of the resolution that is being sought from the outset |
|  | |
| **Manager** | Where conflict between two work colleagues is identified, establish the reason(s) or cause(s) and take appropriate action to resolve the issue(s) |
| Acknowledge receipt of the informal or formal grievance promptly |
| Manage the informal or formal grievance in accordance with the principles – take appropriate action to manage and address the grievance quickly |
| Remain impartial at all times – ensure all parties are treated in a fair and equitable manner |
| Seek advice from Human Resources if necessary |
| Upon receipt of a formal grievance act promptly so that the issue can be resolved as soon as possible |
| Ensure that a full and proper investigation is conducted within a maximum period of **30 working days** |
| Keep the employee and individual(s) concerned informed of progress |
|  |  |
| **Human Resources** | Provide timely and appropriate advice |
| Provide guidance and signposting to the employee, manager and other employees involved in the grievance |
| Facilitate mediation, training and support where necessary |
|  |  |
| **Investigating Officer** | Complete a thorough investigation within 30 days |
| If this timescale needs to be extended write to all parties with a reasonable revised timescale |
| Keep the commissioning officer and HR updated at regular intervals |
| Provide clarity to witnesses regarding their role in the investigation and how their information will be used. Share witness statements or interview notes |
| Be receptive to any sensitive issues and where it may be appropriate for witnesses to remain anonymous |
|  |  |
| **Witnesses** | Attend investigation meeting if comfortable |
|  | Bring with any information/documentation that may be of assistance to the investigation |
|  | If requested, prepare a witness statement that is accurate and factual, signed and dated |
|  | Keep all communication regarding the investigation confidential and not discussed with colleagues |

Complaints raised by officers against Councillors should follow the guidance [here](https://governance.enfield.gov.uk/mggeneric.aspx?md=mgcouncillorconduct&bcr=1).

# 3. Application:

A bullying and harassment grievance lodged by a consultant, agency, casual or relief worker should be managed in accordance with the [Dignity at Work Principles.](https://enfield365.sharepoint.com/:f:/s/intranethr/EpD4CzgGhu5Fp4PiDUVHNEwBY3Kjc_n0HmzRgypFnEZXnA?e=ThRzab) There are other situations where raising a grievance under these principles would not be appropriate:

* Where an appeal process is in place – for example, decisions following a formal disciplinary, capability or absence and attendance meeting, job evaluations, and selection for redundancy
* Matters that are outside the Council’s control, for example, Statutory Sick Pay or Superannuation Regulations
* Collective disputes, which are a matter for the Council and the Trade Unions to resolve
* Where an employee raises a concern as a "protected disclosure", under the Public Interest Disclosure Provisions of the 1996 Act, in which case the Council's [Whistleblowing Policy](https://enfield365.sharepoint.com/:w:/s/intranethr/ETzcVVRdObVNrfg41gyl7VoBQC59oQFZfHeVoAoXkLR2EQ?e=P6TJLZ) refers

# 4. Principles:

The following principles should apply when managing grievances:

* The manager should acknowledge receipt of the complaint whether informal or formal as soon as possible
* The manager should meet with the employee(s) as soon as possible to discuss the complaint and establish the resolution they are seeking
* The manager should remain impartial and treat both parties in a fair and equitable manner
* All proceedings, whether informal or formal, should, so far as is practicable, remain confidential – the manager should also advise the parties involved that all meetings and discussions are confidential
* A formal grievance must be made in writing and should include details of the complaint, supporting evidence and the resolution being sought
* An employee has the right to be accompanied by their trade union representative or work colleague at every stage of the formal procedure - the Principles are internal to Council and does not allow for any external representation
* Seek advice / guidance from Human Resources
* The investigation should be thorough and completed as soon as is reasonably practicable, and within a period of **30 working days** – if this timescale needs to be extended all parties should be advised in writing of the revised timescale
* Where more than one employee has lodged a complaint relating to the same, or substantially the same, issue, the complaints may be dealt with together in the interests of fair and consistent decision-making.
* Employees are expected to act in good faith when raising a grievance – disciplinary action may be taken where it is established that an employee has not acted in good faith, for example:
  + they raised a grievance that they know to be false or is malicious, *or*
  + repeatedly raises related or similar grievances, despite previous grievance/s being fully and properly investigated, that are of a vexatious nature – vexatious means raising grievances that are interlinked to other grievances, regardless of their merits, for the sole purpose of placing a burden on those dealing with them

# 5. Informal Stage (early resolution):

If an employee has a complaint that involves another employee or other employees, they should first of all try to resolve the matter by approaching the individual(s) concerned.

If the matter remains unresolved, the employee may request a meeting with the manager in order to try to resolve the issue. The meeting should be held within **10 working days** of the request.

The manager should establish at the outset the resolution that the employee is seeking and the appropriate action to take. The manager should take all necessary steps to try to obtain an early resolution to the issue between the two work colleagues informally. Further guidance is available in:

[Resolving a Grievance](https://enfield365.sharepoint.com/:w:/s/intranethr/Edauf1UPR0ZHpdSrhtwqfOQBj3j4ZCOAeVHvJgUUqo3qpQ?e=QX0cmT) and [Mediation, Training and Support](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Business%20Support/Learning%20and%20Development/Mediation%20Doc.doc?d=w396359cc2fca4bad806a42f6697d0bc9&csf=1&e=nBguuN)

The manager should ensure that they keep notes of any meetings held at the informal stage, as they may be required if the complaint is lodged formally.

If the employee is still dissatisfied and matters are not resolved, they may proceed to the formal stage of the principles. If the complaint is against the employee’s line manager they should raise the complaint with the next level of management.

# Informal Grievance - Flowchart

**START**

Employee raises concerns with individual

No

Concerns resolved?

Yes

Employee discuss concerns with manager

No further action necessary

Manager establish the resolution employee is seeking at the outset and take appropriate action to address issues.

Confirm with employee the outcome of informal grievance

No further action necessary

Employee satisfied with outcome

Yes

Employee may raise formal grievance

No

# 6. Formal Stage:

If the complaint has not been resolved at the informal stage and the employee wishes to proceed to the formal stage they may put the details of the grievance and their concerns in writing using the [Grievance Notification Form](https://enfield365.sharepoint.com/:w:/s/intranethr/EZlt6X-I3ltFvuDKDAjV3VUBsQ-0pxRmXQ37DbzRccnGkw?e=5av5n5) and send it to the line manager or if the complaint relates to the line manager it should be sent to the manager of their line manager instead.

Upon receipt of the formal written grievance following process will be instigated:

## Stage 1 – Investigation

* All grievances will be kept confidential.
* The manager will acknowledge receipt of the complaint within **7 calendar days** of receiving it and make arrangements for an initial grievance meeting. [Model - Invite to Initial Grievance Meeting Letter](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Grievance/Model%20Invite%20to%20Initial%20Grievance%20Meeting%20Letter.docx?d=wb2122c8a46f14ebebfbb56c0e663db6d&csf=1&web=1&e=MP43zF).
* The manager is to remind employees that the matter of grievance will remain confidential as far as possible and witnesses will be instructed not to discuss the matter. The manager should also explore if there is anything else the employee would benefit from during the investigation process to make their working environment/relationships as comfortable as possible.
* The manager will carry out an investigation. This will be conducted by the same manager who will hear the grievance. The manager will confirm the timescales for completion of the investigation and grievance process at the initial meeting.
* In certain circumstances the manager may appoint an investigator. Clear terms of reference should be agreed with the investigating officer covering their role, reporting requirements, timescales and timeframes.
* The level of investigation and time this will take will vary depending on the nature of the grievance. See [Investigating a Grievance](https://enfield365.sharepoint.com/:w:/s/intranethr/EVOHucSjXYRAkXjVO6s3aKYBKWTP1n9-gdcEdsO8t1WJhQ?e=Xc2dGg) for further information.
* Use the [Model Letter Informing Employee that a Grievance Has Been Raised Against Them](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Grievance/Model%20Letter%20Informing%20Employee%20That%20A%20Grievance%20Has%20Been%20Raised%20Against%20Them%20.docx?d=w27722f3a3820467ba01cb51e1f2175ab&csf=1&web=1&e=XYyhuk) if necessary as part on the investigation process.
* Use the [Letter Inviting Witnesses To An Investigatory Meeting](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Letters%20for%20Witnesses/Letter%20Inviting%20Witnesses%20To%20An%20Investigatory%20Meeting.docx?d=wf8f789bbbab04fdd833f0a5fe5c32c5e&csf=1&web=1&e=RAurn4) if necessary as part of the investigation process.
* The employee will be given a copy of any evidence collated during the investigation in advance of the formal grievance meeting by the Chair. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, the manager will provide the employee with an appropriate summary of the evidence.
* The investigation should be concluded within **30** **working days**, then the formal grievance meeting should be arranged in the **following two weeks**. Where a case is complex this may be extended and will be confirmed to the employee at the initial grievance meeting by the Investigating Officer.

## Stage 2 – Hearing The Grievance

* The manager will confirm the investigation is complete and make arrangements for the formal grievance meeting. Model - [Invite to Formal Grievance Meeting Letter](https://enfield365.sharepoint.com/:w:/s/intranethr/Ebp1Dn9lnW9OtdCETNWl82QBKKSW7Ch3OsJbhti7ZBvzGA?e=FVOPGu). Further guidance on how to conduct the meeting is available in [Formal Grievance Meeting](https://enfield365.sharepoint.com/:w:/s/intranethr/ES8zXRL01QNMvwS-bcwogaoBSsIOLWLrSXhGSBhVqv2lSg?e=XjFts0).
  + - * The manager will conduct the formal grievance meeting within **10 working days** of concluding the grievance investigation (if applicable). If the manager has commissioned the investigation to be carried out by a third party, the third party will present their findings and the manager will chair the meeting and decide the outcome and any action that will be taken as a result of the complaint.
* The employee is entitled, if they wish, to be accompanied by a work colleague or a trade union representative. The Principles of Managing Grievances are internal to Council and does not allow for any external representation. A member of the HR team will also be present.
* During the meeting the employee will be given an opportunity to explain the nature of their complaint, what resolution they are seeking and respond to the investigation.
* It may be necessary to adjourn the grievance meeting to conduct a further investigation before the outcome is given.
  + - * Following the meeting, the manager will inform the employee in writing, within **7 calendar days** after the meeting, of the outcome and any action that will be taken as a result of the complaint. [Model - Outcome of Formal Grievance Letter](https://enfield365.sharepoint.com/:w:/s/intranethr/ESd4aLzNcSlEkOcPzRZQThEBIU8aQ6Nu0jbUwukDZpQoDg?e=G2XHlo)
* If the employee is unable to attend the grievance meeting because of circumstances beyond their control, they should inform the manager conducting the meeting as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient effort to attend, the grievance meeting may take place in their absence, based on their written grievance submission and any other evidence available. In cases of non-attendance, the meeting may be re-scheduled once only and usually within 7 calendar days.

## Stage 3 – Appeals

* Employees have the right to appeal against the decision taken following a formal grievance meeting. If an employee appeals, they should have valid reasons for doing so and be able to provide evidence that substantiates the grounds for the appeal, which may include:
* the principles were not followed - this does not include failure to respond within timescales given
* new evidence directly relating to the grievance has come to light (provided prior to the Appeal Meeting)
* they believe the decision was wrong or unfair – including explanation
* The appeal letter should be submitted to the Director of Human Resources within **7 calendar days** of receiving the written decision. The employee should use the [Model - Employees Grievance Appeal Letter](https://enfield365.sharepoint.com/:w:/s/intranethr/EWQFlXoIdp5MvB7OR_GHFAYBmcTw_ABywdP61Okryro1Yg?e=8SeWcO)
* Where practicable, appeals will be heard by a Head of Service in the first instance or a Director/Executive Director if appropriate, from another service or department; and a Senior Human Resources representative. They will consider the grounds that the employee has put forward and review the conclusion reached in the original grievance meeting
* Further details of the appeal process are set out in [Appeal Meeting](https://enfield365.sharepoint.com/:w:/s/intranethr/EeKuFqVfETFJqzXXxTel5E0BuCpncHEEAX49nlRDdeR96A?e=fgEvMY).
* If the employee is unable to attend the appeal meeting because of circumstances beyond their control, they should inform the manager conducting the meeting as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the appeal meeting may take place in their absence, based on their written appeal submission and any other evidence available. In cases of non attendance, the meeting may be re-scheduled, usually within 7 calendar days.
* The Chair of the appeal meeting will confirm the decision in writing [Model - Outcome of Grievance Appeal Letter](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Appeal/Model%20Outcome%20of%20Appeal%20Letter.docx?d=w5a8a47450b3c4cf2bfcd9d32498cab06&csf=1&web=1&e=UEtbzO) ideally within 7 calendar days of the conclusion of the Appeal Meeting. The decision following the appeal meeting is final

# Formal Grievance - Flowchart

**START**

Employee dissatisfied with outcome of informal grievance – written grievance submitted

Manager decides what, if any, investigations are required including whether investigation should be conducted during grievance meeting or prior to the meeting, and undertakes this, including (where appropriate) witness statements, or in exceptional circumstances appoints an investigating officer to conduct the investigation

Formal grievance meeting – employee has right to be represented by work colleague or trade union representative

Write to employee to confirm outcome of the formal grievance meeting

Employee satisfied with outcome?

Yes

Employee may lodge a written appeal to the next level of management against outcome of the formal grievance meeting

No

No further action necessary

Next level of management will arrange an appeal meeting

The outcome of the appeal is final and there is no further right of appeal

# 7. Mediation:

Mediation may be looked at as a possible means of resolving grievances throughout the Grievance Procedure. Not all grievances will be appropriate for mediation and each case will need to be considered on its own merits. Mediation is confidential, 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.

If mediation is considered as an outcome of a grievance, this should be discussed with Human Resources for guidance to initiate the process. Further guidance on mediation can be found [here](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/_layouts/15/Doc.aspx?sourcedoc=%7B396359CC-2FCA-4BAD-806A-42F6697D0BC9%7D&file=Mediation%20Doc.doc&action=default&mobileredirect=true).

# 8. Grievances Lodged During Other Formal Processes:

If a manager receives a formal grievance during disciplinary / absence and attendance / capability action the manager should assess whether the complaint will impact on the action being taken taking. Where the manager considers that the grievance will not have an impact or change the outcome they should proceed with the action they are taking and the grievance should be managed in accordance with these principles concurrently.

If the manager considers that the grievance has highlighted valid points which need to be considered before further disciplinary /absence and attendance / capability action is taken they should manage the grievance in accordance with these principles before taking any further action.

The decision regarding whether the grievance does or does not impact on the action being taken rests solely with the manager, unless the grievance is against them. If the line manager is uncertain they should speak to Human Resources. If the grievance relates to the line manager, the next level of management will decide whether the grievance does or does not have an impact on the course of action being taken.

# 9. Grievances Lodged By Ex-Employees:

Where a grievance is raised by an ex-employee (must be submitted within 3 months the last day of service) or an employee on notice, the Principles will still apply and the grievance process followed.