



# GRIEVANCE POLICY GUIDANCE

# Grievance Policy Guidance

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## **1 Grievance guidance**

This guidance has been produced to assist those involved, to handle a grievance process effectively. It offers clarity about the procedure and the key roles and responsibilities of those involved in the process. These notes must be read in conjunction with the Grievance Policy & Procedure.

### **1.1 Why do we have guidance in addition to the policy?**

The policy outlines the principles we need to follow in relation to managing employee grievances. This guidance document will assist you with the practical aspects of managing an employee's complaint and provides you with some tips you may find helpful. Before managing the grievance procedure, you should read both the policy and this guidance.

### **1.2 Who can raise a grievance?**

Employees of MVDC are able to raise concerns using the Grievance Policy, which allows prompt and fair treatment and investigation of a resolution. Employees should only raise issues of genuine concern and be aware that raising a grievance which they know to be false or malicious might result in disciplinary action.

### **1.3 What should I do when an employee complains about a workplace issue?**

Talk to the employee about their concern, and what you can both do to address it. You should make every effort to resolve the employee's concern efficiently and informally. If it is possible to resolve the employee's concern at this stage, you should note down any actions agreed and send a copy to anyone involved. You should also notify your Executive Head of Service of the outcome.

### **1.4 Is there anyone I can talk this through with?**

Yes, HR can provide advice and guidance to employees and managers on the application of the grievance policy and procedure.

### **1.5 At what point should I inform HR?**

When the employee submits a written Grievance, including sufficient information for the matter to be investigated, preferably using the stage 1 form (Appendix A of the Grievance Policy and Procedure), the receiving manager should forward a copy to HR.

### **1.6 Is there a time frame in which a grievance should be raised?**

Grievances will normally only be considered where the grievance relates to an event/decision which occurred, or has come to light, no more than 3 months prior to the grievance being raised.

## **1.7 Is there something informal I can do to support 2 members of staff with their issue?**

Consider if an informal three way meeting will help resolve the issues. This sort of meeting can be difficult for both parties and it is helpful to establish constructive ground rules of behaviour with everyone.

It is important to ensure that the meeting is managed sensitively for those involved to encourage positive working relationships. Your role at this type of meeting will normally be to facilitate a discussion and where possible, guide the employees to find ways of addressing the issues and working through them.

Where appropriate mediation may be requested by the line manager with the agreement of the employees and is conducted by a trained impartial mediator.

## **1.8 What if they are still unhappy?**

The employee may wish to raise a formal grievance. You should discuss the reasons why the employee may wish to raise a formal grievance and check they are aware of their rights and responsibilities under the grievance procedure. You may find as a result of this discussion that the issue presented by the employee should be raised under a different procedure as outlined in the grievance policy.

## **2 Notification of allegations**

You should ensure that any individuals named in the grievance are advised in the early stages that a complaint has been made against them; they are briefed on what to expect throughout the process and they are aware of the support available to them.

The details of the complaint will not be shared before they are interviewed as part of any investigation.

You should also ensure that everyone involved in the case understands and maintains confidentiality about the proceedings at all stages.

## **3 Investigation**

### **3.1 Is there anything specific I need to think about when conducting the investigation?**

You should ensure that you;

- Invite the employee to attend a meeting usually within 10 working days of receipt of the written grievance. The employee must be given at least 5 working days' notice of the meeting. Meetings can be held in person or virtually where appropriate (see section 7.2 of the Grievance Policy and Procedure for further guidance).
- Understand all the issues fully, ask the employee to clarify anything that is not clear
- Review the work undertaken by the manager to resolve the issue informally
- Meet with all the individuals concerned to understand their perspective
- Consider the factors that may have caused the employee to feel aggrieved
- Carry out a thorough investigation to ensure you can make considered conclusions

- Remind everyone involved of the need to maintain confidentiality
- Keep notes from all meetings and discussions carried out both during the investigation and throughout the grievance, including any effort to resolve a concern informally.

### **3.2 How should I write up my investigation?**

Each write up will vary according to the nature of the grievance, however your structure is likely to include the following headings:

- Introduction
- Nature of the grievance
- Investigation
- Conclusion
- Appendices.

### **3.3 When should an external investigator be used?**

Only in complex cases, at the discretion of the Executive Head of Service and in agreement with HR. At such times the ultimate decision on the case will rest with the manager hearing the grievance.

## **4 Formal meetings**

### **4.1 Who should the Executive Head of Service nominate to hear the formal grievance?**

The normal expectation is for the line manager's manager to lead the formal process, hearing grievances at stage 1. However, in circumstances where this is not possible allowing for escalation and/or depending on the issue of the grievance, the Executive Head may nominate an alternative manager to hear the grievance.

A senior manager should be nominated by the Executive Head to hear a stage 2 grievance appeal.

### **4.2 Should I send paperwork by recorded delivery?**

To avoid disputes over deadlines, the manager may wish to obtain proof of delivery for all correspondence in relation to grievances (e.g. delivery by hand, recorded delivery or read receipt if correspondence is by email).

### **4.3 Will the employee need time off for the grievance procedure?**

The employee and/or their witnesses may need to attend formal investigation meetings and should be allowed reasonable time off for this purpose. The employee should give as much notice as possible to their manager to allow for work cover arrangements to be made.

#### **4.4 What about alternative working arrangements?**

In very exceptional circumstances (for example following medical advice from Occupational Health/GP, or where the employee's grievance relates to their line manager), it may be possible to find temporary alternative working arrangements (where available) for the employee while their complaint is being investigated.

#### **4.5 Can anyone represent the employee at a formal meeting?**

Employees have the statutory right to be accompanied by a work based colleague or Trade Union representative (where applicable).

In exceptional circumstances, a companion who is not a recognised Trade Union Representative or work colleague may be able to attend in a purely supportive capacity. To arrange this, the employee must demonstrate to the manager that they would be substantially disadvantaged were this person not to attend the meeting to support them. For the avoidance of doubt such representation does not include the right to legal representation.

#### **4.6 What happens at a grievance meeting?**

The employee will be asked to explain their grievance and to state how they think it could be resolved.

The manager may be ready with their response to the grievance and will discuss it with the employee at the meeting. The manager will need to provide the employee with sufficient details of the investigation to show how they reached their conclusions.

Depending on the nature of the grievance, the manager may need to adjourn the meeting to gather further information or to commission an independent investigation. In such situations the manager must keep all parties apprised of when they anticipate the outcome will be confirmed.

#### **4.7 How will formal meetings be documented?**

The manager will decide the most appropriate way to record the meeting. This may be through written notes taken by the manager or a member of the HR team or through a voice recording of the meeting.

Where voice recordings are proposed the manager will inform the employee of their intent to record the meeting before the recording commences. Covert recordings of meetings are not permitted by any party and action will be taken, through the Council's disciplinary procedure, where covert recordings take place.

Any notes taken of the meeting by the meeting/hearing manager or member of the HR team are for the purposes of recalling the main points of the meeting and any actions set. Employees will not be provided with a copy of these notes and are able to take their own notes should they wish to do so.

#### **4.8 What if the employee or their representative is not able to attend the date of the hearing?**

It is appropriate to agree a new date and all parties should be informed of the change. The meeting will not normally be postponed a second time and this should be made clear in any communication sent agreeing to the first postponement.

If following an agreed change in date, either the employee or the manager who dealt with the grievance at stage 1 is unable to attend the stage 2 appeal meeting, the stage 2 manager may decide to consider the appeal on the information available.

#### **4.9 Who is responsible for confirming the outcome of the meeting?**

The chairing manager will usually give a written response to the employee stating whether the grievance is upheld or not, and the reason(s) for this decision.

#### **4.10 How soon after the meeting should the outcome be confirmed?**

The relevant manager should confirm the outcome as soon as possible and no later than 5 working days after the meeting. If this is not possible the reasons will need to be explained to the employee.

#### **4.11 Should the employee representative also be notified of the outcome?**

No information will be shared by the relevant manager or HR Adviser. It is the employee's responsibility to inform their representative of the outcome.

#### **4.12 What happens if the employee's concerns are found to be valid?**

Measures will be taken to resolve the employee's grievance. If the grievance is connected to other formal procedures, the Chair of those formal procedures will decide whether or not to continue, taking the grievance information and outcome into account.

The Chair may recommend disciplinary action, for example, if there have been inappropriate procedures applied to the employee, depending on the seriousness of the issue.

The Chair may recommend the application of another suitable procedure for the employee (e.g. following capability procedures instead of disciplinary).

#### **4.13 Who should inform the Executive Head of Service of the outcome?**

The manager hearing the grievance is responsible for notifying the SMT lead about the conclusion of the grievance and the outcome.

#### **4.14 Continuous Improvement**

The conduct of formal procedures offers opportunities for learning, not only for employees, but also for management. At case completion the chair is requested to make recommendations around better management practices to improve employee relations and to prevent occurrences of a similar nature.



The investigating manager for the case should also feed back any recommendations to relevant management as applicable. For any other queries please contact HR.

#### **4.15 What should I do with the paperwork once the grievance is closed?**

All related paper work should be forwarded to HR for archiving.

### **5 Grievances raised during procedures**

Employees should only raise issues of genuine concern and be aware that raising a grievance which they know to be false or malicious might result in disciplinary action.

#### **5.1 What happens if an employee raises a grievance and then goes on sick leave?**

The case will be put on hold until he/she is in a position to participate. However where any individuals named in the grievance have been advised that a complaint has been made against them, investigation interviews should not be delayed. Those affected should be reminded of the support available to them.

#### **5.2 What happens if the employee raises a grievance during the conduct of a formal procedure?**

An employee cannot raise a grievance about the fact that the employer has taken formal action or is considering formal proceedings against the employee.

An employee cannot raise a grievance as a substitute to the appeal procedures contained within the respective policies.

However, if an employee believes that the outcome or conduct of a formal procedure has contravened the principles set out in the relevant policy then they may either,

- Raise a grievance

OR

- Raise the issue as mitigation during the conduct of the formal procedure.

#### **5.3 What happens when an employee raises a grievance during the conduct of a formal procedure?**

- The formal procedure may be suspended until the grievance is heard and a decision has been made.

OR

- The concerns may be heard concurrently as part of a multi-purpose hearing.

#### **5.4 What happens if an employee raises a grievance and then leaves the council's employment?**

Grievance procedures are meant to focus on resolving disputes around current employment. Wherever possible the grievance meeting should be concluded before the employee's last day of service. Where the grievance may become the basis of a claim for constructive dismissal, the manager may wish to continue with the normal grievance procedure. However the employee may still go to Tribunal over the issue.

#### **5.5 Can an employee raise a grievance after their last day of service?**

There is no statutory requirement to have a formal procedure for raising a grievance after an employee has left. Should an employee have an issue that could form the basis of tribunal or court proceedings, their former manager may feel it appropriate to engage in dialogue with them in the hope of resolving the issue. However, this does not place any requirement on the use of a formal grievance procedure with a right of appeal.

## Letters

These letters are templates that should be used as part of the grievance process. The contents of the letter should be edited to reflect the particulars of the case.

### Grievance Stage 1 Meeting invitation letter

Tel: XXXX XXXX

PERSONAL & CONFIDENTIAL

Dear

Re: Notification of grievance meeting

Following your recent notification of grievance, I am writing to confirm that I have been appointed by (name) (Executive Head of Service) to consider and attempt to resolve your grievance complaint with you.

You are therefore invited to attend a grievance meeting to be held on (date, time and venue).

The meeting will consider the following issue(s), as stated by you in your notification of grievance form.

- 1.
- 2.

You have the right to be accompanied to this meeting by a recognised trade union representative or work colleague, if you wish. Please make your own arrangements for appointing a representative and notify me/HR of any such arrangements made.

I attach for your information a copy of the Council's Grievance Policy and Procedure, together with a copy of this letter for your representative.

Please bring with you to this meeting any supporting documentation you would like to be considered.

Should you or your representative have good reason to be unable to attend the meeting on the above date/time, please advise me of this as soon as possible. You have the right to suggest a reasonable alternative date or time provided that it is not more than 5 working days after the original date proposed above.

Yours sincerely

Manager name  
Title

## Notification of the outcome of the grievance meeting

Tel: XXXX XXXX

PERSONAL & CONFIDENTIAL

Dear

Re: Notification of grievance meeting outcome

You attended a grievance meeting on (date), accompanied by your recognised Trade Union representative/ /work colleague, (name of TU rep/staff rep/work colleague). I am now writing to confirm my decision, relayed to you at the end of the meeting.

At the grievance meeting the following complaint(s) was/were considered:

- 1.
- 2.

Having listened to all of the evidence brought to the meeting, I have reasonable cause to believe the complaint(s) you raised was/were justified/unjustified. (Where there are several elements to the grievance, a decision relating to each element should be detailed here).  
(If justified)

Therefore, in order to resolve your complaint, Mole Valley District Council will (provide details of actions agreed including responsibility and time frames where possible).  
In line with the Council's Grievance Policy & Procedure you have the right to appeal against this decision by writing to (name of nominated more senior manager) within 10 working days of receipt of this letter, providing an explanation of why you wish to appeal.

I enclose a copy of this letter for your representative.

Yours sincerely

Manager name  
Title

## **Grievance Stage 2 Appeal meeting invitation letter**

Tel: 020 XXXX XXXX

PERSONAL & CONFIDENTIAL

Dear

Re: Notification of grievance appeal meeting

Following your recent notification of your grievance appeal, I am writing to confirm that I have been appointed by name (Executive Head of Service) to hear the appeal.

You are therefore invited to attend a grievance meeting to be held on (date, time and venue).

The appeal will consider the following grounds for appeal, as stated by you in your notification of grievance appeal form:

- 1.
- 2.

You have the right to be accompanied to this meeting by a recognised Trade Union representative or work colleague, if you wish. Please make your own arrangements for appointing a representative.

Please note that the decision at the appeal hearing is final.

I attach for your information a copy of the Council's Grievance Policy & Procedure together with a copy of this letter for your representative.

Should you or your representative have good reason to be unable to attend the meeting on the above date/time, please advise me of this as soon as possible. You have the right to suggest a reasonable alternative date or time provided that it is not more than 5 working days after the original date proposed above.

Yours sincerely

Manager name

Title

## **Notification of the outcome of the grievance appeal meeting**

Tel: XXXX XXXX

PERSONAL & CONFIDENTIAL

Dear

Re: Notification of outcome of the grievance appeal meeting

Following our meeting on (date), accompanied by your representative, (name of Trade Union representative or work colleague) I am writing to confirm my decision regarding your appeal against the outcome of your grievance complaint.

The grounds of your appeal were as follows:

- 1.
- 2.

My decision regarding your appeal is that it is not upheld and that no further action will be taken in relation to your grievance. This is because (insert reasons for not upholding grievance).

OR

My decision regarding your appeal is that it has been upheld. The following action will be taken to resolve your grievance, (insert details of any actions/ recommendations to be made in light of upholding the appeal).

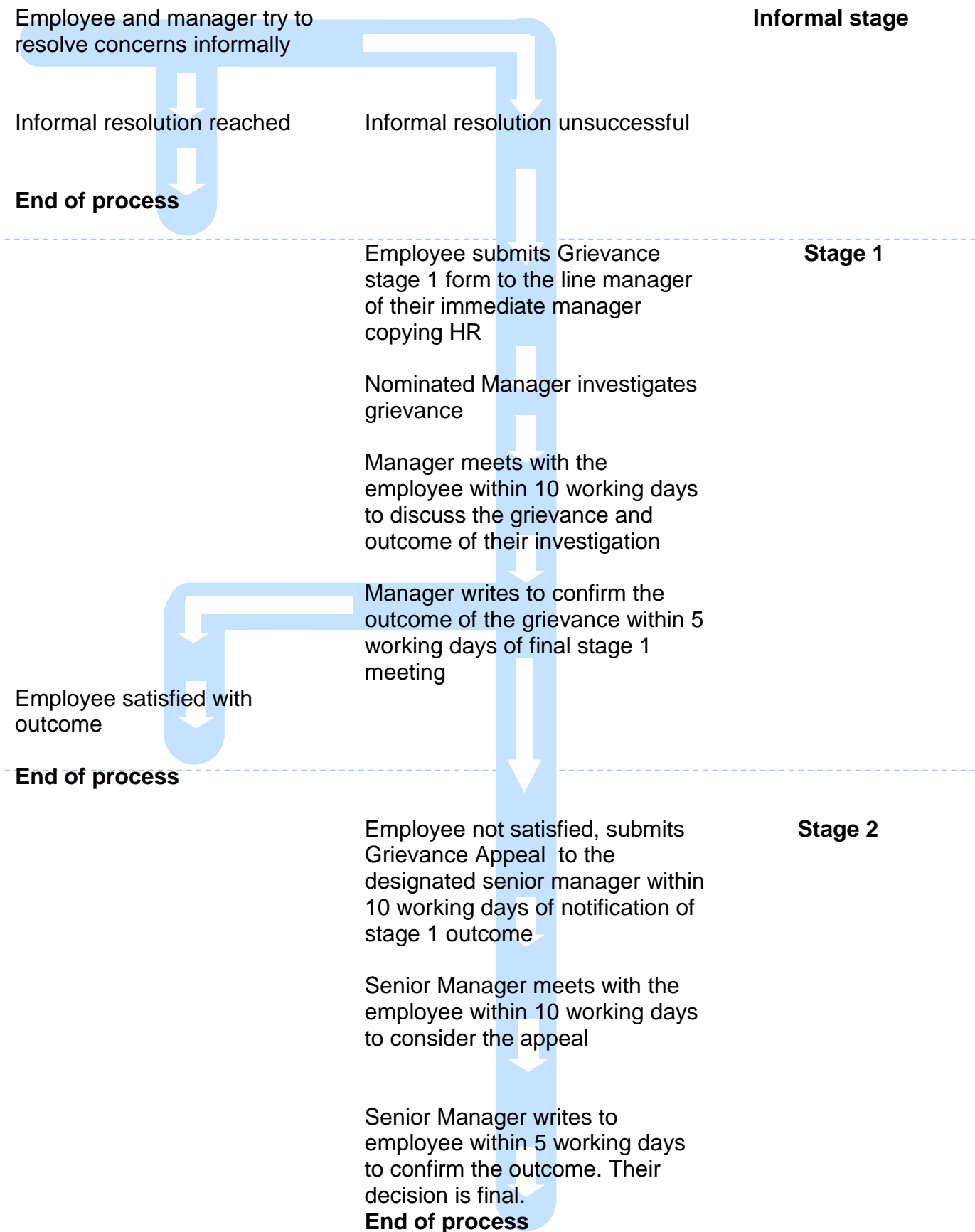
As detailed in the Council's Grievance Policy & Procedure, this decision is final and there is no further right of appeal.

I enclose a copy of this letter for your representative.

Yours sincerely

Manager name  
Title

## Grievance procedure flow chart



Version	Version Status	Date	Version Comment	Version Author
V1.1	Amending in line with Grievance Policy	HR review December 2022		HG/CS
V1.2	Review of amends	HR review March 2022		KQ
V2.1	Final (Pre Formatting)	16/05/2022		CS
V2.2	Final (Formatted)	17/5/2022	Final version post formatting	CS
V3	Review	2024	Guidance to be reviewed in line with Policy (at least every 3 years or in the event interim changes are needed).	CS