

# **GRIEVANCE POLICY AND PROCEDURE**

# Grievance Policy and Procedure

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## 1. Introduction

A grievance is a complaint or issue raised by an employee about an aspect of their employment and/or work colleagues.

It is recognised that employees may at some time during the course of their employment have problems, concerns or complaints about their work, working conditions or working relationships with colleagues that they wish to talk about with management and want their concerns to be addressed and if possible resolved.

This policy aims to promote and encourage positive relationships and constructive dialogue. Its aim is to provide a framework for supporting employees to raise concerns and to provide guidance to managers in resolving any such concerns as quickly and effectively as possible.

The provisions in this policy are non-contractual and may be updated from time to time. Whilst it will normally be followed, other than under the exceptions noted below, there may be situations where the format can be altered, in accordance with HR advice on a fair process.

It is generally expected that employees raise concerns informally in the first instance either directly with their colleague or with their line manager as soon as possible and seek to resolve the matter informally wherever possible.

## 2. Application and General Principles

The grievance policy and procedure apply to all employees of the Council with the exception of the Chief Executive.<sup>1</sup>

The policy does not apply in the following circumstances:

- Matters that do not directly relate to the employment of the employee raising the grievance
- Matters concerned with an action taken under a procedure which has an appeal process within it, for example disciplinary, capability, flexible working requests
- Job grading issues which are dealt with by the Job Evaluation procedure
- Complaints of discrimination, victimisation and bullying which should be raised under the Respect at Work policy and procedure. However, where the informal stages of that policy have been exhausted the formal meetings for escalation are to be held in accordance with this procedure.

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<sup>1</sup> A grievance brought by the Chief Executive against a Member/Members will be brought in accordance with the JNC Conditions of Service.

- Disagreement with contractual terms which are part of agreed terms and conditions (although if their interpretation is in dispute that may be appropriate for a grievance procedure under this policy)
- Any matters previously considered under this policy
- Matters relating to legality or ethics that are more appropriately dealt with under our [Whistleblowing Policy](#)

If at any stage an employee wishes to withdraw from the process, they must do so in writing. MVDC reserves the right to consider a request as withdrawn should the employee refuse to engage in any part of the process.

This policy and procedure do not apply to former employees. However, every effort should be made to resolve a grievance before the employee's last day of service. Where this has not been possible the former manager may feel it appropriate to continue to try to resolve the issue. However, this does not place any obligation to do so, or give a right of appeal after the employee's last day of service.

### **3. Roles and Responsibilities**

#### **Managers will:**

- Deal reasonably and promptly with an employee's grievance within the specified timescales.
- Treat all complaints seriously and sensitively and respond to complaints without bias.
- Apply the procedure fairly and consistently whilst maintaining confidentiality.
- Ensure that any individuals named in the grievance are advised at an appropriate time and in an appropriate manner about the complaint against them. There is no immediate obligation to inform parties named in the grievance, and an initial investigation may reveal that there is no substance to allegations raised, therefore all matters must be handled with the utmost sensitivity, professionalism and discretion and with consideration of the most appropriate timing.

#### **Employees will:**

- Be responsible for raising matters of concern with their line managers informally as soon as reasonably practicable, to ensure these matters are dealt with quickly and efficiently.
- Work with the manager to seek resolution to problems.
- Comply with all reasonable management instructions and continue to work normally and with full co-operation while their grievance is being dealt with.
- With appropriate support, co-operate as a witness with any investigations or with management action.

**HR will:**

- Provide support, advice and guidance throughout the process as appropriate including assisting with selection of an appropriate Hearing Manager.
- Monitor the application of the policy and procedure to ensure it is applied fairly and consistently.

## **4. Right to be accompanied**

An employee is entitled to be accompanied by a colleague or trade union representative at any meeting called under this policy.

If this right is to be exercised, the employee must inform the Hearing Manager as soon as possible who is going to attend. The meeting may need to be re-arranged if the absence from work of the colleague acting as companion would cause operational problems.

A colleague or trade union representative attending the meeting can, if the employee wishes them to, explain the key points of the grievance at the meeting and confer with the employee, however they must not answer questions put directly or try to prevent questions being asked or views outlined by the Hearing Manager or those supporting them.

## **5. Grievance raised by an employee during another formal procedure**

Where an employee raises a grievance during a process under another policy, the manager responsible will need to make a judgment about the best way to handle the two issues. Advice should be sought from HR in this case. Generally, where the grievance is related to the issues raised in the other process, or concerning the process itself, then these concerns will be considered during the course of that procedure either during the investigation, at a hearing or on appeal as a multipurpose investigation or meeting.

In some situations, for example where serious allegations are made about the circumstances that led to a procedure under another policy being initiated, rather than the process itself, it may be appropriate to suspend proceedings and consider the grievance first.

Where the concerns raised in the grievance are completely separate then the two processes will continue alongside each other.

## **6. Grievance Procedure Informal stage**

It is in the best interests of all parties to resolve any complaints and grievances quickly and informally through discussion when the problem or issue arises.

Therefore, employees are encouraged to discuss the matter with their immediate line manager to try to achieve resolution. If an employee feels unable to speak to their line manager, for example because the issues concern them, then they should speak to their line manager's manager.

If the concern that has been raised is that of a problem in a relationship with a colleague, the manager may wish to consider holding a facilitated discussion. This would focus on addressing and resolving the concerns raised by understanding the situation from the perspective of all involved, finding realistic and workable solutions so as to minimise the impact on the service and the individuals, and clarify expectations about future behaviour in the workplace. The facilitating manager will meet individually with each employee involved before bringing them together and will then lead the joint meeting, giving time for each employee to explain their concerns and discuss ways of resolving the problems. Any action agreed should be recorded in writing and copied to everyone involved.

Managers may also wish to consider mediation. Mediation is a voluntary and entirely confidential process for resolving interpersonal differences. The process of mediation is designed to help each party involved to share their experiences, identify the impact of the situation on them, and consider how they individually could improve the situation and what they need from others to resolve the situation. Mediation may be requested by the line manager with the agreement of the employees and is conducted by a trained impartial mediator. Where informal discussion cannot resolve the issue, only then should the formal grievance procedure set out below be used.

## **7. Stage 1 Formal Grievance**

### **7.1 Principles**

Where it has not been possible to resolve a concern informally, employees should put their grievance in writing to the manager of their immediate line manager, who will forward a copy to HR for information. Where possible the form provided at Appendix A should be used for this. When setting out their concern in writing the employee should describe, in as much factual detail as possible, the exact nature of their concern, the sequence of events, in date order, including any documentary evidence, what methods they have taken to try and resolve their concern and any resolution they would like to be considered to address and resolve their concern. If the issue being raised is unclear, the employee may be asked to clarify this further before any meeting takes place. Using the form provided in the guidance will assist in structuring the complaint in the best way.

### **7.2 Grievance Meeting**

The manager receiving the grievance ('Receiving Manager') should make arrangements to invite the employee to a meeting to try to resolve the grievance.

In some situations, typically where the Receiving Manager is implicated in the grievance, they may nominate another manager to hear it as the 'Stage 1 Meeting Manager'.

A meeting will usually take place within 10 working days of receipt of the written grievance and the employee must be given at least 5 working days' notice of the meeting (where it is not possible to give this notice, the employee will be advised of the reasons in writing and a reasonable alternative timeframe set). The employee will be advised of their right to be accompanied by a Trade Union representative or a workplace colleague. The manager will be advised at the meeting by a member of the HR team. A template invitation letter is provided in the guidance.

The preference is for a face-to-face meeting to take place. However, a meeting can be held virtually (e.g., using technology such as Teams) where the circumstances merit this approach.

The purpose of the meeting is to allow the employee to explain their grievance and to state how they think it should be resolved. The manager who dealt with the matter at the informal stage may be asked to attend the meeting to describe the steps taken to resolve the concern. The Stage 1 Meeting Manager may adjourn the meeting to gather further information or to commission an independent investigation (if practicable and warranted according to an assessment of the circumstances of the particular case). The employee may be requested to attend further meetings if necessary.

How the matter is investigated will depend upon the nature of the grievance. It may be appropriate to interview or take a statement from other people, in which case those parties will be under a duty to maintain strict confidentiality. Participation in the proceedings, and any details of evidence submitted or heard will be on a strictly confidential basis and must not be discussed with anybody who does not have a legitimate 'need to know'. To act otherwise than in accordance with the above may be treated as a disciplinary offence.

If the meeting is to be recorded, the employee will be informed. The employee may record the meeting but must inform the Stage 1 Meeting Manager prior to doing so, covert recordings are unlikely to be of good quality and may be considered a serious disciplinary offence.

### **7.3 Outcome**

Within 5 working days of the (final) meeting taking place, the 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.

If it is not possible to respond within 5 working days because, for example, some investigatory work needs to be completed, the manager will give the employee a written explanation of the reason for the delay and a reasonable time frame for a response.

Where there are several elements to the grievance, a decision on whether or not to uphold each element should be made and communicated in the written response. In addition to stating whether the grievance is upheld, the written response should also set out any other actions to be taken.

It may be inappropriate to discuss (some/all) steps taken as a result of the grievance, usually due to another person's entitlement to confidentiality. The employee bringing the grievance may be informed, for example, that a disciplinary process will be commenced if the grievance is upheld but will not be informed about the outcome of the process.

The written response should also set out the right to raise an appeal using Stage 2 of the grievance procedure and the name of the appropriate manager with whom to raise an appeal.

## 8. Stage 2 Appeal

If the grievance has not been resolved to the employee's satisfaction at Stage 1, the employee may raise an appeal using Stage 2 of the process and the Stage 2 Appeal form at Appendix B. The employee should submit a written appeal, within 10 working days of receiving the written outcome of the Stage 1 meeting. The appeal should be made to the manager nominated at Stage 1 who will make arrangements for appointment of an Appeal Hearing Chair for consideration of a Stage 2 grievance hearing—(unless a different name is confirmed in the decision letter to the employee). HR should be copied into the appeal and the hearing arrangements.

### 8.1 Purpose

The purpose of the appeal is to review the decision taken by the Stage 1 Meeting Manager and not to re-consider the grievance raised. The employee should set out clearly the grounds for their appeal including provision of relevant documentary evidence and how they would like the matter resolved. Grounds for appeal should relate to one or more of the following:

- **The procedure** – an appeal can be lodged where the employee can demonstrate that the Grievance Policy was applied unfairly or incorrectly.
- **The facts** – an appeal can be lodged where the employee can demonstrate that the facts considered were not relevant: that the facts were not accurate; or where there are new facts/evidence which need to be considered that have come to light subsequent to the meeting.
- **The decision** – an appeal can be lodged where the employee can demonstrate that the outcome does not address the points of grievance sufficiently or doesn't give the rationale for considering or failing to consider them.

The appointed Appeal Hearing Chair will review the points of appeal and determine if there is a case to answer. Where it is determined that there is no case to answer, the Appeal Hearing Chair will set out the reasons to the



employee in writing. Where it is determined that there is a case to answer an Appeal Hearing will be convened.

## **8.2 Appeal Hearing**

The manager hearing Stage 2 of the grievance (the Appeal Hearing Chair) should arrange a hearing within 10 working days of receipt of the Stage 2 grievance appeal, giving the employee 5 working days' notice of the hearing (where it is not possible to give this notice, the employee will be advised of the reasons in writing and a reasonable alternative timeframe set).

The hearing may be held in person or virtually (usually within 10 working days of receipt of the appeal). Where a hearing cannot be convened within a reasonable timeframe (e.g due to absence) or a hearing is not deemed to be conducive to the timely and successful conclusion of the appeal, the Appeal Hearing Chair may opt to conduct any necessary investigation and deliver their findings in writing. The most suitable approach will be determined by the hearing chair depending on the needs of the case, and will be outlined to the employee in writing.

The employee should be reminded of their right to be accompanied/supported by a Trade Union representative or workplace colleague. The Stage 2 Appeal Hearing Chair will be supported by a member of the HR team.

There will be similar considerations as to who should hear the grievance – e.g. in the event that the Appeal Hearing Manager is implicated in the grievance.

The Appeal Hearing Chair will consider the grounds put forward for appeal and assess whether or not the conclusion reached in the Stage 1 Meeting was appropriate. It should not be a rehearing of the original process, but rather a consideration of the rationale for being dissatisfied with the outcome at Stage 1.

## **8.3 Additional Information**

The Appeal Hearing Chair may wish to speak to the Stage 1 Meeting Manager where clarity over decisions made during the original grievance is required. They may invite them to attend the Stage 2 appeal hearing where this supports their considerations.

Where the reason for the appeal may impact the actions from the Stage 1 grievance outcome, these actions need to be put on hold until the Stage 2 grievance appeal has reached an outcome. The Appeal Hearing Chair is responsible for ensuring this – i.e. that any actions from the Stage 1 grievance outcome are put on hold where necessary.

## **8.4 Outcome**

The decision of the Appeal Hearing Chair as to whether the grievance appeal is upheld or not will be given verbally to the two sides at the end of the hearing and/or provided in writing, normally within five working days. If it is not possible to respond within 5 working days because, for example, some investigatory work needs to be completed, the manager will give the employee a written explanation of the reason for the delay and a reasonable time frame for a response.

Where there are several elements to the grievance appeal, a decision on whether or not to uphold each element should be made and communicated in the written response. In addition to stating whether the grievance appeal is upheld, the written response should also set out what, if any, actions are required.

The decision at this stage will be final and there is no further right of appeal.

# Appendix A

## Stage 1 Grievance Form

Employee Name:

Job Title:

Team:

Manager to whom the Stage 1 grievance is addressed:

Name of representative (if any):

1. Outline the nature of, and reasons for your grievance providing any documentation that supports your reasons.

2. What specific action(s) would you like management to take to resolve this issue?

Signed:

Date:

To be completed by manager receiving grievance Stage 1 form:

Date received .....

Date copied to HR .....

## Appendix B

### Stage 2 Grievance Appeal Form

Employee Name:

Job Title:

Team:

Manager to whom the Stage 2 grievance is addressed:

Name of representative (if any):

1. Outline the nature of, and reasons for, your Stage 2 grievance providing any documentation that supports your appeal.

2. Please state the name and job title of the manager who heard your Stage 1 grievance and explain why you do not think your Stage 1 grievance has not been resolved satisfactorily

3. What specific action(s) would you like management to take to resolve this issue?

Signed:

Date:

To be completed by manager receiving grievance Stage 2 form:

Date received .....

Date copied to HR .....

Version	Version Status	Date	Version Comment	Version Author
V1.1	Final SLT draft	SLT meeting 7/10/21	For SLT approval for document to be shared with Business Managers and Staff Hub. SLT given 2 weeks to review and consider	KI
V1.2	SLT amends discussed and agreed	SLT meeting 21/10/21	Final SLT approved draft for BMT, Staff Hub consultation (2 weeks – 25/10/21 until Monday 8/11/21 10.00 am)	KI
V1.3	Amends discussed and agreed post Hub/BMT consultation	SLT meeting 11/11/21	Agreed amendments following consultation	KI
V2	Proposed Policy for all staff consultation	Week comm 15/11/21	Policies out for all staff consultation (2 weeks)	KI
V2.1	Amends made post consultation above	SLT meeting 2/12/21	Proposed amendments following consultation for SLT discussion and approval	KI
V3.1	FINAL (pre-formatting)	Week comm 6/12/21	Policy finalised for publication and implementation	KI
V3.2	Final (formatted)	Anticipated December 2021	Final version post formatting	Comms
V3.3	Final (formatted)	May 2022	Final version post formatting – Grievance form included as appendix	CS
V4	Review	2024	Policies to be reviewed at least every 3 years or in the event interim changes are needed (e.g. changes in legislation, work practices).	KI