



Grievance Policy

Revised May 2017



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1.0 Policy Statement

- 1.1 The City of Wolverhampton Council (the Council) is committed to treating all employees fairly and with respect. Bullying, harassment, discrimination and victimisation are unlawful and will not be tolerated at any level.
- 1.2 This procedure provides a framework to be used by employees to raise concerns, and managers when seeking to work with employees to address and resolve concerns. It aims to ensure that any grievance raised is dealt with in a consistent, prompt and supportive manner; it has been developed with due regard to the Equality Act 2010 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.3 This policy and procedure underpins the Dignity at Work Policy for all employees of the Council, and is to be used to manage allegations in connection with that policy on a formal basis, unless the circumstances are such that allegations have been referred straight to be addressed under the Council's Disciplinary Procedures.

2.0 Scope

- 2.1 This policy and procedure applies to all employees of the Council, and shall be followed in respect of all grievances of individual employees, including Senior Management.
- 2.2 Grievances may be concerned with a wide range of employment issues, including terms and conditions of employment, health and safety, work relations, new working practices, the working environment, organisational change, bullying and harassment or discrimination.
- 2.3 If an employee wishes to make a complaint about disciplinary action taken against them, this will not be dealt with as a grievance but as an appeal under the disciplinary procedure.

2.4 Exclusions

Issues which are **excluded** from being dealt with under the Grievance Policy are:

- Matters dealt with under this policy during the preceding twelve months
- Salary gradings and differentials
- Matters connected with performance management or conduct
- Matters that are already covered by another policy, unless it is deemed discriminatory
- Matters over which the employer has no control
- Issues which are the subject of collective negotiation or consultation with the employer and the trade union

- 2.5 Grievances raised by former employees will not be dealt with by this policy.

2.6 Where an employee has concerns in respect of something that they may have witnessed at work, which does not amount to an individual grievance that is within the scope of this policy to address, it may be appropriate for them to consider raising their concerns under the Council's Whistleblowing Policy and Procedure.

3.0 Principles

- 3.1 In the first instance employees should seek to resolve any concerns informally and without delay. A formal grievance should only be raised where attempts to resolve a complaint informally have been unsuccessful.
- 3.2 Supporting and resourcing mediation should be encouraged to achieve an informal resolution.
- 3.3 Employees are encouraged to raise their grievance immediately as those that are not raised timely may prevent a satisfactory resolution and may limit the scope of action which could be taken under an investigation.
- 3.4 The formal procedure will normally commence when the employee can evidence that attempts to resolve the issue informally have been exhausted, and the complaint remains unresolved.
- 3.5 Employees who wish to raise a formal grievance must set out in writing the reasons for their grievance and the resolution they are seeking. Grievances cannot proceed to be considered under this procedure unless the grounds for the grievance and the resolution being sought are clear.
- 3.6 Aggrieved employees and those responsible for managing the process set out in this policy must ensure that there are no unreasonable delays. The timescales in the policy will be adhered to and only extended in exceptional circumstances, or in line with the requirements of any investigation taking place. In this event the employee will be notified in writing of any unavoidable delays and the revised timescales that will apply.
- 3.7 The concerns raised by the aggrieved will be shared at the earliest opportunity with all parties involved for the purpose of ensuring open and transparent communication.
- 3.8 Employees and the Council must observe their duties and responsibilities in respect of confidentiality at each stage of this policy. Throughout the process all colleagues will treat each other with dignity and respect and will act in accordance with the Council's Dignity at Work Policy Statement.
- 3.9 Employees who in good faith raise a grievance will be protected from victimisation.

- 3.10 Where an employee who is subject to other proceedings such as; management of attendance, disciplinary, capability etc., raises a grievance the grievance procedure will run concurrently. It will only be in exceptional circumstances that the procedure will be suspended in favour of the grievance procedure.
- 3.11 If an employee is found to have raised a **malicious** or **vexatious** grievance or gives evidence that he/she knows to be untrue, this will be considered a matter of conduct which will be managed in accordance with the Councils Disciplinary Procedure.

4.0 Procedure

Informal Grievance

- 4.1 Employees should seek to resolve any concerns informally and without delay. If this is not possible due to the nature of the grievance or failure to resolve the situation, the employee should discuss matters with their immediate line manager who will seek to resolve the concerns raised. If the grievance concerns the employee's line manager further advice can be sought from HR Advice.
- 4.2 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of a grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by the aggrieved with all parties involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance agree.

Formal Grievance

- 4.3 Following the outcome of the informal process the aggrieved employee must submit in writing an intention to move to a formal grievance including their required resolution.
- 4.4 Receipt of the formal grievance will be acknowledged within **5 working days** of submission.
- 4.5 On receipt of the written formal grievance an external Investigating Officer will be appointed and will arrange to meet with the aggrieved employees manager to agree the terms of reference for the investigation and then with the employee to discuss their grievance and the resolutions they are seeking.
- 4.6 The employee has the right to be accompanied by a work colleague or trade union representative and should be given at least **5 working days'** notice of the meeting. If arrangements can be mutually agreed for the meeting to take place within a shorter timescale the meeting should proceed without delay. Where an employee's trade union representative or work colleague is unavailable on the day scheduled for the meeting it will be rescheduled, providing that the employee proposes an alternative

time within **5 working days** of the scheduled date.

- 4.7 If an employee fails to attend a meeting, the meeting will be rescheduled only once. The employee will be required to provide valid reasons for non-attendance and confirm whether they wish for the investigation to continue. If the employee is still unable to attend a rescheduled meeting a decision will be made on the information available at the time, with guidance from HR Advice.
- 4.8 The purpose of the meeting will be to gather facts. Depending upon the nature and complexity of the case there are many potential outcomes that may result from the meeting. These may include:
 - The grievance being upheld, rejected or a compromise agreed
 - An adjournment to enable a full investigation to take place and any witnesses to be interviewed
 - An adjournment to enable the individual/s of the grievance to be invited to join a reconvened meeting
 - A decision that the matter should be referred to be managed in accordance with the Council's Disciplinary Procedure
 - A decision that mediation will be explored as a way forward
- 4.9 The employee will receive written confirmation of the meeting notes within **5 working days** and will be advised of the applicable timescales for the actions agreed.
- 4.10 The Investigating Officer will commence the investigation into the matters raised. This includes meeting with identified individuals and collating any necessary documents referred to in the meeting.
- 4.11 The Investigating Officer will compile a report containing a summary of their findings. Investigations will normally be completed within **15 working days** of the initial meeting with the aggrieved employee, however, where this is not possible due to the nature of the case or delays beyond the Council's control, the employee will be notified in writing of the reasons for the delay and the revised anticipated timescale.
- 4.12 The outcome meeting will be conducted by the Manager and a HR Advisor.
- 4.13 The employee will be informed in writing of the outcome within **5 working days**.
- 4.14 If an employee is dissatisfied with the outcome, they have the right to appeal.

Appeal

- 4.15 Where an employee wishes to appeal against the outcome of the formal grievance they should do so in writing to their Strategic Director/ Director. The employee should clearly state the grounds of the appeal i.e. the basis on which they believe the outcome of the grievance to be wrong or the action taken as being inappropriate and the resolution that they are still seeking. This should be done within **5 working days** of

the employee's receipt of the written notification of the outcome of the formal grievance. (Unless there is a valid reason why this could not happen.)

- 4.16 If the nature of the appeal is unclear or insufficient information is provided, clarification will be sought before the Appeal Panel takes place.
- 4.17 The procedure to be followed at the Appeal Panel is set out in the Human Resources Appeals Panel Notes of Guidance.

5.0 Roles and Responsibilities

Employees are required to:

- provide full details of their grievance in writing
- co-operate and be willing to resolve their grievance informally at the earliest opportunity
- where the grievance cannot be resolved informally clearly state the grounds of their formal grievance including the outcome they are seeking
- have the right to be accompanied to a grievance meeting by a trade union representative or work colleague
- follow this policy
- not to knowingly take out a malicious or vexatious grievance against another employee (including agency workers), manager or contractor working for the Council

Managers are required to:

- Be aware of their responsibilities under this policy and seek to resolve any grievances informally
- Appoint an External Investigating Officer where the matter cannot be resolved informally
- Agree terms of reference with the Investigating Officer and Human Resources Advisor
- Receive the Investigating Officers report and decide the outcome based on the findings
- Advise the employee of the investigation outcome
- Present the rational for the outcome decision to the Appeals Panel

External Investigating Officers are required to:

- Arrange the initial meeting with the aggrieved employee in line with the timescales specified in this policy
- Undertake an investigation including interviewing relevant witnesses
- Inform employees/witnesses that they have a right to be represented/accompanied at grievance meetings by either a trade union representative or work colleague
- Advise the manager of the aggrieved employee of the grievance outcome

Human Resources Advice are required to:

- Provide advice and support to enable the effective handling of grievances
- Provide support and guidance to managers, External Investigating Officers and employees throughout the stages of this policy
- Ensure the manager of the aggrieved has scoped the terms of reference for the Investigating Officer
- Ensure communication with all parties
- Assess compliance and effectiveness of this policy
- Monitor and review the delivery and impact of the grievance policy

The Head of HR is required to:

- In consultation with the recognised Trade Unions, exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Cabinet (Resources) Panel for approval

Trade Unions are required to:

- Work in consultation with HR Advice on any review and revisions of this policy
- Represent trade union members, if required

6.0 Monitoring and Review

6.1 The grievance policy and Managers Guidance notes will be reviewed and updated annually and be available to managers and employees via the HR intranet.

7.0 Links to Other Policies and Procedures

- Disciplinary Policy and Procedure
- Equal Opportunities Policy
- Dignity at Work Policy Statement
- Whistleblowing Policy and Procedures

8.0 Equality

8.1 An equality Analysis has been carried out on this policy.

8.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

- 8.3 If any aspect of the grievance policy causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

GRIEVANCE PROCESS CHART Appendix 1

