

Grievance Procedure



Grievance Procedure

Contents	Page
1. Introduction	2
2. Scope	2
3. Matters which can be dealt with under the procedure	3
4. Matters which are excluded from the procedure	3
5. Grievances raised during the disciplinary procedure	4
6. Responsibilities of the employee, line manager and Human Resources Service	4
7. Collective grievances	4
8. Timeframe for raising a grievance	5
9. Mediation and conciliation	5
9.1 Mediation	5
9.2 Conciliation	6
10. Raising a grievance	6
10.1 Informal stage	6
10.2 Formal stages	7
Stage 1 – Formalising in writing	7
Stage 2 - Appeal	8
10. Monitoring	8

Note: Please be aware that any printed copies of this document may not be the most recent version. You should check on the Intranet to ensure that you are using the current version.

Version Control	
Date Implemented	v.2 January 2014
Supersedes	v.1 April 2008
Next review date	2016
Policy Owner	HR Workforce Development

1. Introduction

- 1.1. Redbridge Council values its employees and recognises the contribution they make to our vision and aims. We are committed to treating our employees in a fair and respectful manner and endorse their right to expect the same of all managers and colleagues.
- 1.2 Managers and employees should actively work together to resolve any people management or day-to-day work related issues promptly and sensibly. Issues should only be raised under the grievance procedure when all other internal processes have been exhausted.
- 1.3 Subject to the proviso and exceptions noted in this Procedure employees have the right to raise a grievance relating to work place issues and expect that it will be dealt with seriously, promptly and fairly. The Council aims to resolve an accepted grievance between the parties involved as close as possible to the point of origin and to prevent escalation into a more serious dispute. A successful outcome is less about apportioning blame and more about achieving a way forward that is acceptable to all parties.
- 1.4 Depending on the issue and the nature of their complaint, employees may use either the Grievance Procedure or the Dignity at Work Procedure (in the case of alleged bullying, harassment or intimidating behaviour). It may not be possible to switch from one procedure to another once a formal complaint has been raised. Further advice can be obtained from the Human Resources ER Advisers (see also paragraph 3.1).
- 1.5 The Council expects that in raising a grievance under this Procedure, employees are acting in good faith. Accordingly, if on enquiry there has been a misunderstanding/ misinterpretation and concerns are not confirmed, no action will be taken. However, should it be established that a grievance or allegations have been made maliciously, frivolously, or made for personal gain, the employee concerned may be subject to disciplinary action under the Council's disciplinary procedure.
- 1.6 Any formal grievance and relevant notes raised under this Procedure will be recorded **and placed on the employees' personal file, which is retained by the Human Resources Service.**

2. Scope

- 2.1 This procedure applies to all Council employees, but excludes employees engaged at or based at schools, who have their own procedures.
- 2.2 Agency workers are not employees of the Council and should raise any grievance with their Agency who may pursue the issue with the Council.
- 2.3 Casual workers are not employees of the Council and are not covered by statutory grievance procedures. They may discuss any workplace issues with their manager, and they have the right to raise a complaint about a manager, but they are not covered by this Procedure.

3. Matters which can be dealt with under the procedure

- 3.1 A "grievance" can cover any concern, problem or complaint that an employee raises with their manager except for the matters listed in Section 4 below. The formal stage

of the grievance procedure should only be started when the informal resolution process (section 9.4) has been exhausted.

4. Matters which are excluded from the procedure

- 4.1 Grievance cases will follow the general employee relations principle, that a case being formally considered under one procedure cannot be switched to another procedure.
- 4.2 However, if an employee raises a matter under the grievance process that may be more effectively dealt with under another procedure then the employee may be advised to use that route.
- 4.3 Where the grievance concerns allegations of bullying, harassment or Whistleblowing the Council may decide to investigate the grievance concurrently or separately under another procedure.
- 4.4 The grievance procedure specifically excludes:
 - Any matter that is to be or is being processed under the following:
 - Disciplinary Procedure (except in circumstances as outlined in Section 5 below)
 - Capability Procedure
 - Sickness Absence Management Procedure
 - Performance Management Review Process
 - Grading appeals under the Job Evaluation Process
 - Assessments under the Performance Management Procedure
 - Any form of Trade Union dispute
 - Matters outside the control of the Council e.g. national conditions of service, pension regulations, income tax.
 - Any matter that can be dealt with under an appeals processes relating to a decision that has been or may be taken under the Council policies or procedures including:
 - Dignity at Work (Bullying and Harassment)
 - Disciplinary
 - Performance Management
 - Reorganisation, Redeployment and Redundancy
 - Capability
 - Whistle-blowing
 - Sickness Absence Management
 - Ill-health retirement
 - Job Evaluation procedures

Note: This is an illustrative list only.

5. Grievances which are raised during the disciplinary procedure

- 5.1 Where a grievance is raised during the disciplinary procedure, the relevant Head of Service/Operational Director (if necessary in consultation with the Head of Human Resources) will take a view of the grievance and determine how it should be dealt with.
- 5.2 In exceptional circumstances the disciplinary procedure may be suspended for a short time to investigate a grievance concerning issues that are directly relevant to the disciplinary procedure. This will only occur where there is sufficient information to support a complaint of serious concerns about a fundamental part of the disciplinary process.
- 5.3 A suspension of the process is to allow a preliminary consideration of the grievance by an independent manager i.e. one not involved in either the complaint or the disciplinary case. This manager should consider all inter-related issues before deciding whether the disciplinary process or a full investigation of the complaint should take precedence. If the grievance and disciplinary are inter-related a single manager may hear them concurrently.

6. Responsibilities of employees, managers and Human Resources

- 6.1 It is the joint responsibility of employees and managers to work together to resolve workplace issues and problems informally wherever possible.
- 6.2 Once a grievance has been raised by an employee, the manager is responsible for responding promptly to the grievance and taking action under this procedure.
- 6.3 The manager must notify the appropriate Employment Relations Advisor as soon as the employee requests formal action.
- 6.4 Employees must ensure that any grievance raised under the formal grievance procedure is recorded in writing using the [Grievance Report Form stage 1](#) which is obtainable from Employment Relations or from the intranet.
- 6.5 Line Managers must ensure that a representative from Human Resources Service is present at Stage 1 and 2 of the Formal Stage.
- 6.6 The appropriate Employment Relations Adviser is responsible for providing line managers with advice and guidance throughout the formal stages of the grievance procedure. They will also maintain a list of Mediators whose services can be used in appropriate circumstances to resolve a grievance.

7. Collective grievances

- 7.1 A group of employees may raise a collective grievance over an issue which concerns or affects all the employees within that group.
- 7.2 Two of the group should be chosen to act as representatives for the group, for the purposes of attending meetings and written correspondence and e-mail communication.
- 7.3 The names of all those raising a collective grievance must be indicated on the Grievance Form; the two representatives will act as signatories for the group.
- 7.4 The outcomes of the grievance will apply to the whole group, including any financial implications.

7.5 Where appropriate the Trade Unions should be involved.

8. Timeframe for Raising a Grievance

- 8.1 Employees should raise a grievance as soon as possible after the incident to which the **grievance relates, when issues are fresh in people's minds and in any event within 10** working days of knowledge of an event
- 8.2 In principle, the Council will not consider a grievance if it is untimely or has been raised more than three months after the incident complained of.
- 8.3 Employees may only raise grievances under this procedure by employees whilst they are still in employment with the Council.
- 8.4 If an employee has raised a grievance and then leaves the **Council's employment before** that grievance is resolved they may choose whether or not they wish to pursue the issue. If the employee wishes to pursue the grievance, they must do so in writing within 28 days of their formal leaving date
- 8.5 An employee who has raised a grievance may be requested to provide further relevant information to facilitate the investigation. If they fail to co-operate or fail to provide this information within 28 days, the manager dealing with the grievance may decide that the grievance has lapsed and it will not be pursued.

9. Mediation and Conciliation

9.1 Mediation

- 9.1.1 Mediation is the unbiased and objective intervention by an independent third party to help in the full discussion of a problem and the agreement on an outcome. Mediators do not take sides or lead the parties into any particular course of action; they will ensure that all the issues have been raised and that there is no misunderstanding between the parties.
- 9.1.2 Mediation will only be sought after the employee and manager have attempted to resolve the grievance at the informal stage and this has been unsuccessful.
- 9.1.3 The cost of any mediation will be met by the relevant Department.
- 9.1.4 Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying or harassment.
- 9.1.5 Both parties must agree to mediation. If any of the parties does not agree to mediation, mediation cannot be used to resolve the issues.
- 9.1.6 The Human Resources Service will ensure that mediators used are trained and sufficiently experienced to deal with the issues between the parties.
- 9.1.7 If the parties are able to resolve the matter through mediation, no further action will be taken.
- 9.1.8 If any of the parties do not agree to mediation they should state their reasons, in writing, to the manager arranging the mediation within 5 working days of their decision.

9.2 Conciliation

- 9.2.1 Conciliation takes place where an agreement has been reached and a conciliator will monitor the resolution and help restore a positive working relationship.
- 9.2.2 Conciliation is the process of assisting all parties to return to an effective working relationship once a decision has been made.
- 9.2.3 Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues.
- 9.2.4 The person providing mediation or conciliation will provide the parties with a written statement outlining the issues addressed and agreed action to be taken by the parties to resolve the issue.

10. Raising a Grievance

10.1 Informal Resolution

- 10.1.1 If the employee has a grievance about a workplace issue they should discuss it informally with their line manager. Note: Where appropriate, an employee may prefer to seek advice or guidance from a colleague or from an HR Employment Relations Adviser in the first instance.
- 10.1.2 In exceptional circumstances, (e.g. involving bullying and harassment), if the employee believes a more formal approach is necessary from the outset they should initiate the grievance procedure by putting the grievance in writing to their line manager (see 10.2 below)
- 10.1.3 To deal effectively with a grievance it is important that the basis of the grievance is clearly understood and the desired outcome stated at the start. This will ensure that the whole process is correctly focussed on an acceptable and reasonable resolution. If the manager reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned to get advice or to make further investigation.
- 10.1.4 Both the manager and the employee have the right to request the assistance of a mediator in the resolution of issues.
- 10.1.5 The line manager will take notes and keep a brief record of the discussion. This will not **be placed on the employee's personal file.**
- 10.1.6 Where the problem relates to a colleague(s) the employee may wish to discuss the issue directly with the colleague/s concerned.
- 10.1.7 The aim should be to resolve the matter within four weeks. If the matter is complex and involves a series of decisions and/or actions by other parties the resolution may take longer. It is important that steady progress is being made towards a resolution. However, if agreement has not been achieved within eight weeks, or if either party feels that the other is being deliberately obstructive or unhelpful, the matter should normally be referred to the formal stage of the procedure.

10.2 Formal Stages

- 10.2.1 Employees can only move to the formal stages of the procedure when they have exhausted the Informal Stage.

- 10.2.2 In exceptional circumstances (e.g. involving bullying and harassment) the employee may raise a grievance formally to their manager or another nominated manager, without having instigated an informal discussion first.

Stage 1 - Formalising in writing

- 10.2.3 If the employee feels that the matter has not been resolved through informal discussions they should put the grievance in writing to their line manager.
- 10.2.4 The employee should give details of the nature and the basis of the grievance. This should be done using the [Grievance Form - stage 1](#) which can be obtained from the appropriate Employment Relations Advisor or the intranet.
- 10.2.5 The officer who received the grievance (i.e. the receiving officer) should respond within ten working days from receipt of the employee's written grievance, and will arrange a meeting with the employee to discuss the matter.
- 10.2.6 During the formal stages of the procedure, employees are entitled to be accompanied at meetings by a trade union representative or workplace colleague of their choosing.
- 10.2.7 If the employee and/or their chosen work colleague/trade union representative are unable to attend the meeting on a proposed date, the employee may suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date. Only one postponement/rearrangement of the meeting will be permitted.
- 10.2.8 Following a postponement, if an employee fails to attend the re-arranged meeting, the receiving officer may proceed in their absence, on the basis of information available and evidence submitted.
- 10.2.9 The employee is entitled to present documents and witnesses at the meeting. If the employee wishes to exercise this right they must give their manager a minimum of **three working days' notice of what is to be produced.**

The Meeting

- 10.2.10 The receiving officer will be accompanied at the meeting by an advisor from the Human Resources Service.
- 10.2.11 The employee will have the opportunity to present witness statements either in writing or by personal attendance. The employee should notify the receiving officer if they wish to exercise this right, supplying details, and giving a minimum of **three working days' notice.**
- 10.2.12 After the meeting, the employee will be informed by the receiving officer, in writing about any decision and offered the right of appeal.
- 10.2.13 A written record of the meeting will be given to the employee and others present at the meeting within five working days of the meeting.

Stage 2 - Appeal

- 10.2.14 If the employee is not satisfied with the decision at Stage 1 they can raise an appeal by writing to the Head of Service/Operational Director of the relevant Department stating clearly: the details of the original grievance, the specific grounds for appeal and expected outcome.
- 10.2.15 The appeal hearing will be a review of the Stage 1 decision on the basis of one or more specific grounds. It will not be an opportunity for the employee to re-visit the original complaint. (See [Grievance Stage 2 Appeal Form](#), available from an ER Adviser or on the intranet).
- 10.2.16 The Head of Service/Operational Director should receive the [Grievance Appeal Form](#) within 10 working days of the employee receiving the Stage 1 Decision Letter. An extension of time should only be granted in extenuating circumstances.
- 10.2.17 The Head of Service/Operational Director will seek advice from a Human Resources Adviser and will arrange for an appropriate manager to hear the appeal. This will be someone of a higher or the same seniority than the manager hearing the complaint at Stage 1 and should be held within a reasonable period.
- 10.2.18 The manager receiving the appeal will examine all the evidence submitted by the employee and the investigating officers at previous stage meetings; hear the **employee's case and the grounds for the decision of the stage 1** investigating officer.
- 10.2.19 Normally both parties will be seen separately. In exceptional circumstances only, where it is deemed advantageous due to the sensitivity of the grievance, both parties may be seen together. This decision will be made at the discretion of the manager after seeking advice from a Human Resources adviser.
- 10.2.20 The outcome of the appeal hearing will be notified to the employee, as soon as is reasonably practicable, though this should be within 10 working days from the end of the hearing.
- 10.2.21 Having followed the above appeal process, if the employee remains aggrieved they may appeal to the **Council's** Appeals Committee (Staffing). The Appeals Committee's decision will be final. The appeals procedure adopted by the Council will be applied and details of this will be provided by the HR Service.

11. Monitoring

- 11.1 The Council will periodically monitor all grievance cases by age, disability, ethnicity and gender to ensure that any disproportionate impact on a particular group is highlighted and addressed appropriately. Individual departments are responsible for recording and monitoring their own cases and informing Human Resources who will monitor the Council-wide impact.