

Grievance Procedure



Contents

1.0	Introduction	2
2.0	Scope	2
3.0	General principles underpinning this procedure	3
4.0	Informal Resolution of Grievances	4
5.0	Mediation	5
6.0	Formal grievance	5
7.0	The Right to Representation	8
8.0	Roles and Responsibilities	9
	Appendix One: Formal Grievance Form	12
	Appendix Two: Format for Grievance Hearings	14
	Appendix Three: Appeal Proforma	16

1.0 Introduction

1.1 The Council believes that all employees should be treated fairly and with respect. This procedure sets out the process which the Council follows in dealing with employee grievances in a fair and transparent manner. This procedure is developed in accordance with and taking account of the principles set out within the 'ACAS standard Code of Practice on Discipline and Grievance' and its accompanying guidance.

2.0 Scope

2.1 This policy applies to all employees of Chelmsford City Council.

2.2 A grievance is an issue relating to an employee's conditions of employment or working conditions, about which the employee feels dissatisfied. Such issues or complaints may arise in relation to an employee's work or job content, employment terms, working environment/conditions or working relationships.

2.3 Issues relating to the following areas should be raised in accordance with the relevant Council procedures as detailed below:

2.3.1 Job Evaluation or any other matters relating to pay and grading, which are covered in the Pay Policy.

- 2.3.2 Restructuring, reorganisation or redundancy which are covered by the Organisational Change Policy.
 - 2.3.3 Issues that are subject to collective negotiation or consultation with the Trade Union.
 - 2.3.4 Any matter being dealt with under the Council's disciplinary, performance management, capability or sickness absence management procedures.
- 2.4 The following areas relate to issues outside the remit of the Council and therefore do not apply to this procedure:
- 2.4.1 Income Tax, National Insurance and matters of a similar nature
 - 2.4.2 The rules of the Local Government Pension Scheme

3.0 General principles underpinning this procedure

- 3.1 The Council is committed to the fair, consistent and timely handling of employee grievances and is keen to ensure that problems or difficulties that employee's experience at work are resolved quickly and locally wherever possible.
- 3.2 It is primarily the responsibility of the employee and their immediate line manager to develop open, informal, constructive and effective means of communication and consultation which should make the need to resort to the formal grievance procedure necessary only in exceptional circumstances.
- 3.3 An employee should raise a grievance as soon as possible after the event to which the grievance relates.
- 3.4 Where there are a number of employees with the same grievance a collective grievance can be submitted and will be dealt with in the same way as for an individual grievance.
- 3.4 The grievance will be dealt with as soon as practicable within agreed timescales.
- 3.5 The Council recognises that the formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The Council will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures. The Council will treat any such behaviour as misconduct under the Disciplinary Procedure.
- 3.6 No employee shall be victimised as a result of initiating the Grievance Procedure.

4.0 Informal Resolution of Grievances

- 4.1. Where an employee has a complaint or issue relating to their working conditions or working environment (as defined in Section 2 above), the employee should discuss the grievance as soon as possible with their immediate line manager or supervisor in the first place in an attempt to resolve the matter.
- 4.2. Grievances should be settled as close to the point of origin as possible. Initially, an employee and their line manager/supervisor should attempt to resolve the problem through informal discussion.
- 4.3. It is the responsibility of the immediate line manager/supervisor to listen to the employee's concerns carefully. They should try and identify the root of the problem, obtain all the relevant facts and check any assumptions before coming to any conclusions or taking any relevant action.
- 4.4. The immediate line manager/supervisor should make an assessment of the implications and scale of the problem and the constraints (if any) which may limit solutions, having regard for the feelings and perceptions of the employee. They should take steps to resolve the issue by working with the employee to find the right solution and where possible resolve the issue directly with relevant parties.
- 4.5. Any decisions reached from the informal meetings should be confirmed to the employee in writing. Should the matter then be raised to a formal grievance, this record should be sent to the HR Business Partner.
- 4.6. Where an employee has a grievance which relates to their immediate line manager/supervisor, they should refer the matter directly to that person's line manager.
- 4.7. If the grievance is of a particularly sensitive nature the employee can initially discuss the matter with their designated HR Business Partner or the Council's Employee Assistance Programme (EAP).
- 4.8. If you raise a matter with HR and have not been through the informal stage, HR may refer you back through this stage.

5.0 Mediation

- 5.1. Depending on the nature of the grievance, mediation may be the best means of resolving this. This involves the appointment of a third party mediator from either within or outside the Council, who will discuss the issues raised in the grievance with all those involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance agree for such action to be taken.
- 5.2. The conditions of mediation are:
 - 5.2.1 Mediation is voluntary and will only take place with the agreement of both parties. If either party refuses to take part this will have no bearing on any formal grievance process. If both parties agree to proceed with mediation, the process will take the following format:
 - 5.2.2 A preliminary mediation will be held initially. At this meeting the mediator will meet each party individually in order to gain appreciation of (i) the main issue (s) relating to the grievance and (ii) each party's own perception of the issues.
 - 5.2.3 Following the preliminary meeting, a full mediation hearing will be held. At the mediation hearing, discussions will take place with both parties, with a view to facilitating a mutually acceptable way forward. In the event that the mediator considers that common ground has been established, and that there could be a positive outcome, the mediator will facilitate the two parties to come to an agreement. Each party will be invited to confirm their consent to the agreement.
 - 5.2.4 If the grievance is resolved through this process, the mediator will assist the parties to draft a written agreement which they will both sign. No further action will then be taken.
 - 5.2.5 If the grievance remains unresolved following this process, the aggrieved employee may progress the matter through the formal procedure as outlined in section 6 below.
 - 5.2.6 Mediation can be used at any stage of the grievance process.

6.0 Formal grievance

- 6.1. Making the Complaint
 - 6.1.1 If all attempts to resolve the grievance informally and locally are not successful, it may be necessary for an employee to raise the matter through the formal grievance procedure detailed below.
 - 6.1.2 In order to raise a formal grievance, the employee should put their complaint in writing using the form in Appendix One. This will form the basis of the

subsequent grievance hearing and any investigations. It is important that the details of the nature of the grievance are clearly set out along with any outcome that is being sought. If the written grievance is unclear it may be necessary for the employee to clarify the complaint before any meeting takes place.

- 6.1.3 The form should be sent to the employee's Director of Service. If the complaint relates to the way in which an employee has been treated by their Director of Service, the complaint may alternatively be sent to the employee's HR Business Partner who will, in conjunction with the HR Services Manager, decide which Officer is the most appropriate for the matter to be referred for further investigation.
 - 6.1.4 Upon receipt of the grievance form, further attempts may be made to resolve the matter, depending on the nature of the complaint. However, if the aggrieved employee is not satisfied with the outcome, the matter will proceed to a full grievance hearing.
 - 6.1.5 Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made, although the confidentiality of the grievance process will be respected. The Director of Service or HR Services Manager will appoint an investigating officer to look into the allegations. If any evidence is gathered in the course of these investigations, the aggrieved employee will be given a copy in advance of the hearing for them to consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained, and an appropriate summary of the evidence gathered will be given to the aggrieved employee.
 - 6.1.6 Both parties (employer and employee) must exchange any documentary evidence and details of any witnesses to be called upon during the hearing, at least five working days before the date of the grievance hearing.
- 6.2. The Grievance Hearing
- 6.2.1 Following receipt of a formal written grievance, where required a grievance hearing will be organised as soon as is reasonably practicable and, subject to any need to carry out prior investigation. The hearing will be conducted by the aggrieved employee's Director of Service or Service Manager as delegated by the Director of Service or an alternative Director of Service (as is deemed appropriate in the circumstances) and attended by an HR representative. At the hearing, the aggrieved employee will be asked to explain the nature of their

complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place. The format of the hearing is detailed in Appendix Two.

- 6.2.2 The aggrieved employee should ensure that they attend the hearing at the specified time. If the aggrieved employee is unable to attend because of circumstances beyond their control, they should inform the Officer responsible for hearing the grievance as soon as possible. If an employee fails to attend without explanation, or it appears they have not made sufficient attempts to attend, the hearing may take place in their absence.
 - 6.2.3 Whilst the aggrieved employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their complaint. Focussing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The Hearing Officer will intervene if they think the discussion is straying too far from the key issue. The Hearing Officer may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.
 - 6.2.4 The hearing may be adjourned by the Hearing Officer if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating allegations made.
 - 6.2.5 Following the hearing, the aggrieved employee will be informed in writing of the outcome of the formal grievance hearing as soon as reasonably practicable and told of any action (in so far as we are able to do so) that the Council proposes to take as a result of the complaint. There may be occasions that we cannot give specific outcomes due to Data Protection.
 - 6.2.6 If the aggrieved employee is dissatisfied with the outcome of the formal grievance hearing, they may make a formal appeal against the outcome.
- 6.3. The Grievance Appeal Process
- 6.3.1 Any appeal must be lodged within seven working days of the date of the letter confirming the outcome of the formal grievance hearing, using the Notification of Appeal form attached (Appendix Three). The form should be forwarded to the HR Services Manager. The contents of the form should clearly state the grounds of the appeal, i.e. the basis on which the aggrieved employee feels that the result of the grievance was wrong or that the action taken as a result was inappropriate.

6.3.2 An appeal hearing will be arranged to take place, wherever practicably possible, within ten working days of the submission of the formal appeal. If the original hearing was heard by a Service Manager, then the appeal will be heard by a Director of Service. If the original hearing was heard by a Director of Service, then the appeal will be heard by another Director of Service. In all cases, a member of HR will be present. The appellant will be given a minimum of five working days' notice of the appeal hearing in writing.

NOTE: In exceptional circumstances, the Chief Executive may hear the appeal. There may be circumstances where it would be inappropriate for the Chief Executive to hear an appeal. In such circumstances, the Chief Executive would designate another person or persons (e.g. a senior officer from another local authority to hear the appeal).

6.3.3 The appellant should ensure that they attend the hearing at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the Appeal Hearing Officer as soon as possible. If the appellant fails to attend without explanation, or it appears they have not made sufficient attempts to attend, the hearing may take place in their absence.

6.3.4 The Officer conducting the appeal hearing will consider the grounds that have been put forward for the appeal and assess whether or not the conclusion reached in the original grievance hearing was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which the appellant is dissatisfied in relation to the original grievance. The Officer conducting the appeal hearing may wish to recall any witnesses who were called at the initial grievance hearing if it is deemed appropriate.

6.3.5 Following the appeal hearing, the appellant will be notified of the outcome in writing as soon as practicably possible. The outcome of this meeting will be final and will bring the formal grievance procedure to a close.

7.0 The Right to Representation

7.1 Any employee who raises a grievance has the right to be accompanied by a fellow worker or trade union official at any grievance hearing or subsequent appeal. The trade union official need not be an employee of the Council, but if they are not a fellow worker or an employee of their union, the Council may insist on them being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

- 7.1.2 The choice of companion is a matter for the aggrieved employee. The aggrieved employee must notify HR of whom they intend to represent them prior to the hearing taking place. Please note that individual employees are not obliged to agree to accompany an employee.
- 7.1.3 At any hearing or appeal hearing, the chosen companion will be allowed to address the meeting, respond on the aggrieved employee's behalf to any view expressed in the hearing and sum up the case on the aggrieved employee's behalf. However, both the hearing and appeal hearing are essentially meetings between the employer and employee, so any questions put directly to the employee should be dealt with by them and not their companion.
- 7.1.4 Where the chosen companion is unavailable on the day scheduled for the hearing or appeal, the meeting will be rescheduled, provided that the aggrieved employee can propose an alternative time within five working days of the scheduled date.

8.0 Roles and Responsibilities

8.1. Employees

- 8.1.1 Should discuss the grievance as soon as possible with their immediate line manager or supervisor in the first place in an attempt to resolve the matter.
- 8.1.2 Should develop open, informal, constructive and effective means of communication and consultation with their manager or supervisor
- 8.1.3 Should co-operate with any investigations that are required in order to resolve the situation.
- 8.1.4 Should co-operate with any mediation that is offered.

8.2. Managers and Supervisors

- 8.2.1 Should attempt to settle the grievance through informal discussion
- 8.2.2 Should try and identify the root of the problem, obtain all the relevant facts and check any assumptions before coming to any conclusions or taking any relevant action.
- 8.2.3 Should take steps to resolve the issue with the employee.
- 8.2.4 Confirm any decisions made in writing to the employee.
- 8.2.5 Ensure that the employee is not victimised as a result of initiating a grievance.

8.3. HR

8.3.1 Will arrange mediation where this is the best way of attempting to resolve the issue.

8.3.2 Will discuss any grievance of a particularly sensitive nature with the employee and try to resolve informally.

8.3.3 Will arrange any formal grievance hearings as required and attend the hearings.

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised And Checked?	Date of Changes
2.0	Dec 21	Policy re-written	A Felton	Y	Dec 21
1.2	Jan 11	Updated Disability Confident Logo	HR Team	Y	Dec 16
1.1	Jan 11	Re-branded to City	HR Team	Y	Sep 12
1.0	Jan 11	-	HR Team	Y	26/1/11

Appendix One: Formal Grievance Form

Employee grievance	
<p>This form is intended for use by any employee of the Council who wants to make a formal complaint about the behaviour of a colleague, their manager or a third party, or any other workplace issue.</p> <p>The form should only be used when attempts to have resolved the matter(s) informally have not succeeded.</p>	
Formal grievance	
Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does your grievance relate to your line manager?	Yes/No
Summary of complaint:	
<p>Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.</p>	

Individuals involved in the alleged incident/complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

Appendix Two: Format for Grievance Hearings

This appendix provides guidance information for employees regarding the format of grievance and appeal hearings.

The purpose of a formal grievance hearing is to establish the facts about the grievance and determine what (if any) action can be reasonably taken to resolve it.

- The Officer hearing the grievance (Hearing Officer) will introduce the hearing and explain its purpose and how it will be conducted. A member of HR will also be present to take notes of the meeting and to ensure the procedure is correctly followed.
- The aggrieved employee will be entitled to be accompanied at the hearing by a fellow worker or trade union representative of his/her choice.
- The parties present at the hearing will introduce themselves and confirm their respective roles in the hearing
- The Hearing Officer will invite the aggrieved employee to state their case i.e., the circumstances that have led to the grievance and the nature of the grievance. This may be done personally by the aggrieved employee or their chosen representative.
- The aggrieved employee will refer to any documentation upon which they are seeking to rely. The Hearing Officer will refer to any written evidence that has been gathered during the course of any investigation that has taken place, including the consideration of any witness statements where appropriate.
- The Hearing Officer may ask the aggrieved employee (and any witnesses) questions about the circumstances of the grievance in order to establish all the relevant facts, background and surrounding circumstances.
- The Hearing Officer has the right to ask the aggrieved employee personally to answer questions although the aggrieved employee may on request confer with their representative at any time during the grievance hearing.

- Once all the evidence has been heard, the Hearing Officer will invite all parties to sum up their cases.
- The Hearing Officer will then sum up the key points of the hearing and will inform the aggrieved employee of when a decision will be made and what, if any, action will be taken to resolve or otherwise deal with the grievance.
- The Hearing Officer will inform the aggrieved employee that they will have the right to appeal against the outcome of the grievance hearing if they are not satisfied with it.

NOTE

At any point during the grievance hearing, the Hearing Officer may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.

I intend/do not intend* to be represented at the Appeal hearing. (* delete as applicable.)

Name and address of representative [if applicable]:

Do you wish any further documentation/correspondence relating to this appeal to be sent direct to your representative, in addition to you. **YES/NO** * (* delete as applicable.)

I understand that if an Appeal meeting is convened to hear my appeal and that if, without good reason, I fail to attend that meeting then my appeal may be treated as having been withdrawn.

Signed:.....

Dated:.....

