

Grievance Policy Guidance Note

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Date	<i>04/06/2013</i>	Version number		Document status	<i>Final</i>
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Governance Committee		Date approved	
Review date			

Strategic Alignment
Improving the Council’s Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process		
Stakeholders	Contacts identified for each service	
	<i>Joint Trade Unions</i>	
Distribution		

Change record

Date	<i>28/02/2019</i>	Author	<i>Employee Relations Team, EmployeeRelationsTeam@northlan.gov.uk</i>
Change made	<i>New format</i>		

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1. Introduction

The Grievance Policy applies to all Local Government and Craft Employees.

Grievances are concerns, problems or complaints that an employee may have relating to their place of work which they may choose to raise with their line manager. Examples of issues that may cause a grievance include:-

- Terms and conditions of employment
- Health and safety
- New working practices

Each stage of the internal grievance procedure must be applied and completed before moving to the next stage.

Employees cannot raise a grievance in relation to the terms of a Collective Agreement. Any issues of clarification or interpretation should be referred to the Head of Human resources (or relevant Head of Service where local Collective Agreements are concerned).

Employees who wish to request a re-evaluation of their post cannot do so under the Grievance Policy. Such matters should be submitted via the Procedure for the Reevaluation of posts.

Formal complaints of harassment, bullying, victimisation or discrimination must be raised through the Dignity at Work Policy. The Grievance Policy is not the appropriate mechanism for raising such complaints. If an employee is dissatisfied with the outcome of the investigation of their complaint, they cannot then raise a grievance about the same complaint through the Grievance Policy. As the matter has already been raised and concluded through the appropriate Policy, the same complaint cannot be pursued through a different Policy.

This Guidance Note contains further explanation for line managers and employees on the grievance process, which aims to resolve grievances fairly, consistently and promptly. Timescales for setting meetings, making decisions or confirming decisions should not unreasonably be delayed, unless in exceptional circumstances. If there is a delay, the employee should be kept informed of progress.

Personal data associated with the grievance process falls within the scope of the Data Protection Act 1998. Line managers must therefore ensure that personal information is held in confidence, and that the processing of any data complies with current Data Protection guidelines. Additionally, employees should be aware that when providing information, this information may be shared with other officers as part of the grievance process. However, the sharing of information must always comply with Data Protection guidelines.

2. Stage 1 grievance

- 2.1 Completion of Form G1 (Appendix 1) may be used as a record of Stage 1. There is no requirement for an employee to complete this form but it may be used by an employee as an aid to discussions with their line manager. This will outline their grievance and the resolution they are seeking. Completed Form G1 will be presented to the line manager for subsequent discussion of the grievance outlined.
- 2.2 The line manager will agree a suitable date to discuss the grievance with the employee. An HR Advisor may be in attendance during these discussions.
- 2.3 The employee will have the right to be represented or accompanied at the Stage 1 grievance hearing.
- 2.4 As this is the initial step in the grievance process, the employee must clearly state to their line manager during the course of discussions, what their grievance is and what remedial action they are seeking. By talking about remedial action, this will assist with achieving a resolution at the earliest stage.
- 2.5 A verbal response will be provided to the employee within two working days of the hearing. If there is a delay with this timescale, the employee should be advised of the reason for the delay and kept informed of progress. At the same time as the verbal response is provided, the line manager will inform the employee of the procedure to be followed to progress to the next stage of the grievance process should the employee remain aggrieved.
- 2.6 Stage 1 of the grievance procedure must be completed before moving on to Stage 2.

3. Stage 2 grievance

- 3.1 An employee can only continue to be aggrieved at Stage 2 with areas not upheld at Stage 1 or where the resolution proposed in respect of grievances that are upheld in part is not considered to satisfactorily resolve the grievance.
- 3.2 If the employee remains aggrieved following the outcome of Stage 1, the employee can appeal the outcome by submitting a Stage 2 grievance in writing to their Executive Director within 14 days of the outcome of Stage 1. The grievance appeal may be raised by completing Form G2 (Appendix 2) or by submitting a letter to their Executive Director. The employee must inform the Executive Director of the basis for the grievance along with details of the remedial action being sought. The information contained within Form G2 / letter will form the basis of discussions at the grievance hearing which the nominated senior officer will have with the employee
- 3.3 A grievance hearing will be arranged, but need not take place, within five working days of receipt of the Stage 2 grievance.
- 3.4 The employee will have the right to be represented or accompanied at the Stage 2 grievance hearing.
- 3.5 The Stage 2 grievance will be heard by a senior officer nominated by the Executive Director. An HR Advisor will also be in attendance
- 3.6 The employee will be given a written response to the Stage 2 grievance within five working days of the hearing.

4. Stage 3 grievance

- 4.1 This is the final stage of the grievance process. If the employee remains dissatisfied following the outcome of the Stage 2 grievance hearing, the employee can appeal the outcome by submitting a Stage 3 grievance, in writing, to the Head of Human Resources. The grievance appeal may be raised by completing Form G3 (Appendix 3) or by submitting a

letter. The employee must inform the Head of Human Resources of the basis for the grievance along with details of the remedial action being sought, asking that this be referred to the Policy and Resources (Human Resources Appeals) Sub Committee for consideration. The Head of Human Resources, or nominated senior Corporate HR Officer, will consider the remedy sought by the appellant in Form G3 to ensure that the desired solution can be considered within the remit of the decision making powers of the SubCommittee.

- 4.2 The employee will have the right to be represented or accompanied at the Stage 3 grievance hearing.
- 4.3 The Committee Appeals procedure to be followed for a Stage 3 grievance is attached as Appendix 4.

GRIEVANCE NOTIFICATION – Stage 1



FORM G1

For completion by employee raising the grievance, as an aid to discussion with line manager.

Employee Name		Employee No.	
Job Title		Location	
Service and Section			
Line Manager Name			
Line Manager Job Title			

I wish the following to be considered as a Stage 1 grievance – (a hearing will not take place unless the basis for the grievance and the remedial action sought is provided)

I am aggrieved because –

The remedy I seek to my grievance is –

Employee Signature	
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Date Submitted	
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This information will be held in confidence and used in accordance with the Data Protection Act 1998.

Appendix 2



GRIEVANCE APPEAL – Stage 2

This is Stage 2 of the grievance procedure. Your Stage 2 grievance cannot be considered until Stage 1 has been completed

FORM G2

To be completed by employee raising the grievance and submitted to your Executive Director.

When did you use Stage 1 (date grievance raised)	
What was the outcome of Stage 1 (please)	Not upheld Upheld in part
Give details of outcome (i.e. not upheld because / upheld in part because)-	

Employee Name		Employee No.	
Job Title		Location	
Service and Section			
Line Manager Name			
Line Manager Job Title			

I wish the following to be considered as a Stage 2 grievance – (a hearing will not take place unless the basis for the grievance and the remedial action sought is provided)

I continue to be aggrieved because -

The remedy I seek to my grievance is –

Employee Signature	
Date Submitted	

This information will be held in confidence and used in accordance with the Data Protection Act 1998.

Appendix 3



GRIEVANCE APPEAL - Stage 3

This is Stage 3 of the grievance procedure. Your Stage 3 grievance cannot be considered until Stages 1 and 2 have been completed.

FORM G3

To be completed by employee raising the grievance and submitted to Head of Human Resources.

When did you use Stage 2 (date grievance raised)	
What was the outcome of Stage 2 (please)	Not upheld Upheld in part
Give details (i.e. not upheld because / upheld in part because)-	

Employee Name		Employee No.	
Job Title		Location	
Service and Section			
Line Manager Name			
Line Manager Job Title			

I wish to appeal the decision taken at Stage 2 of the grievance procedure which was confirmed to me in writing on --/--/--

I wish to proceed to the **final** stage of the grievance procedure, a Stage 3 grievance appeal, as I remain aggrieved because -

--

The remedy I seek to my grievance is -

Employee Signature		
Date Submitted		
This information will be held in confidence and used in accordance with the Data Protection Act 1998.		

Appendix 4

Procedure for Consideration of Committee Appeals

- 1 The appellant's representative, or appellant when not represented, shall put the appellant's case in the presence of the Council's representative(s);
- 2 The Council's representative shall have the opportunity to ask questions of the appellant's representatives, or appellant when not represented, and of any witnesses called by the appellant's representative, or appellant when not represented;
- 3 The Appeals Committee shall have the opportunity to ask questions of the appellant and/or the appellant's representative, and of any witnesses;
- 4 The Council's representative shall put the authority's case in the presence of the appellant's representative, or appellant when not represented;
- 5 The appellant's representative, or appellant when not represented, shall have the opportunity to ask questions of the Council's representative and of any witnesses called by the Council;
- 6 The Appeals Committee shall have the opportunity to ask questions of the Council's representative(s), and of any witnesses;
- 7 The Council's representative and thereafter the appellant's representative, or appellant when not represented, shall have the opportunity if they so wish to sum up their case, introducing no new material;
- 8 The Council's representative(s) and the appellant (if present), and the appellant's representative and any witnesses shall then withdraw;
- 9 The Appeals Committee, together with the officer(s) appointed to assist the Committee, shall deliberate in private, only recalling the Council's representative(s) and the appellant (if present) and the appellant's representative, to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt;

- 10 If practicable, the Appeals Committee shall announce its decision to the Council's representative(s) and the appellant (if present) and the appellant's representative, at the conclusion of the meeting. In any event, the decision shall be confirmed in writing to the appellant's representative or appellant when not represented, by the officer appointed as a secretary to the Committee, within ten days.
- 11 The decision of the appeals Committee shall be given in the format of one of the following standard statements, as appropriate:-
 - "that the grounds of the appeal have been substantiated and the appeal be upheld";
 - "that the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that"
 - "that the grounds of the appeal have not been substantiated and the appeal be not upheld".
- 12 Grievances shall end at Committee level.

