



# Grievance Procedure

**Policies and Procedures Control Page**

<b>Title</b>	<b>Grievance Procedure</b>
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## **GRIEVANCE PROCEDURE – POLICY STATEMENT**

### **Introduction**

Any employee working in the Council may, at some time, have problems or concerns about their work, working conditions or relationships with others. Issues that may cause grievances include terms and conditions of employment, health and safety, work relations, bullying and harassment, working practices, working environment, organisational change and discrimination. Discrimination may relate to an employees gender, ethnicity, age, sexual orientation, religion or belief, disability, working hours etc.

Employees might also raise issues about matters not entirely within the control of the Council, such as customer relationships. These will be treated in the same way as grievances within the Council.

This Procedure also applies where the employee has ceased to be employed by the Council, and the Council was unaware of the grievance before the employment ceased or was aware but the standard procedure was not commenced or completed before the last day of the employee's employment.

Stratford on Avon District Council is committed to ensuring its procedures are fair and transparent and has revised this procedure in accordance with the ACAS (Advisory, Conciliation and Arbitration Service) revised Code of Practice (April 2009) on Disciplinary and Grievance Procedures.

This procedure relates to all grievances raised by employees of the Council other than the Chief Executive and Directors.

### **Day to Day Management**

Employees should aim to settle most grievances informally with their line manager. Many problems can be raised and settled during the course of everyday working relationships. Dealing with grievances in this way can often lead to speedy resolution of problems, as he/she may well be able to resolve the matter directly. It is also clearly in management's interests to resolve problems before they can develop into major difficulties for all concerned.

In some cases outside help such as an independent mediator can help resolve problems especially those involving working relationships.

### **Formal Grievance Procedure**

Where the grievance cannot be resolved informally, it should be dealt with under the Authority's formal grievance procedure. (Re-grading appeals will be dealt with under the grading appeals procedure). Employees who decide to raise the matter formally should do so without unreasonable delay. This should be done in writing and should set out the nature of the grievance.

Where employees have difficulty expressing themselves because of language or other difficulties they may like to seek help from Unison representatives or any other person of their choice.

Managers must consider whether any reasonable adjustments are necessary where the employee or their companion is disabled.

When stating their grievance employees should stick to the facts and avoid being too personal and should refrain from using language which may be considered insulting or abusive.

There are certain circumstances where the Councils grievance procedure may apply in addition to the Council's disciplinary procedure. An employee may raise a grievance under the Council's procedure, after the Council has begun disciplinary procedures against them where:

- a) the relevant disciplinary action amounts to unlawful discrimination;  
or
- b) the grounds on which the employer is taking disciplinary action is unrelated to the original reason for which disciplinary action was taken.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## **GRIEVANCE PROCEDURE**

The procedure set out below will apply in all cases where the employee is still employed by Stratford on Avon District Council, with the exception of Strategic Directors and the Chief Executive for whom separate arrangements exist.

### **1. First Stage**

- 1.1 Where an employee is aggrieved on any matter they should put their grievance in writing to their Head of Service. Where the grievance is against their Head of Service, the letter should be addressed to the appropriate Strategic Director. Where the grievance is against a Strategic Director, the letter should be addressed to the Chief Executive. Heads of Service who have a grievance should write to their Strategic Director. Where the grievance is against the Director employees should write to the Chief Executive. Where the grievance is against the Chief Executive the letter should be addressed to the monitoring officer.
- 1.2 In cases where a grievance is against a Head of Service or above, the officer receiving the grievance will appoint an independent external person to investigate the grievance.
- 1.3 The Chief Executive /Strategic Director/ Head of Service should arrange for a formal meeting to be held without unreasonable delay after the grievance is received and must respond in writing to the employee within ten working days of receiving written notice of the grievance. It may be necessary for someone who is not involved in the case to take notes of the meeting and to act as a witness to what was said.
- 1.4 Managers, employees and their companions should make every effort to attend the meeting. Employees will be allowed to explain their grievance and state how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- 1.5 Employees have a statutory right to be accompanied at a grievance meeting by a fellow colleague, union representative or any other person of their choice.
- 1.6 The companion will be allowed to address the hearing to put and sum up the employees case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Council from explaining its case.
- 1.7 Following the hearing, the Chief Executive/Strategic Director/ Head of Service must respond to the employee within ten working days, detailing any decisions made and where appropriate, setting out what action the Council intends to take to resolve the grievance. The employee will be advised of their right to appeal if they are not content with the action taken. They will also be informed that the appeal meeting is the final stage of the procedure.

## **2. Appeal Procedure**

- 2.1 Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. The appeal should be made in writing within 10 working days of receipt of the letter and should state the grounds for the appeal.
- 2.2 Where the grievance was dealt with by an the:
  - Head of Service, the letter should be addressed to the relevant Strategic Director;
  - Strategic Director the letter should be addressed to the Chief Executive;
  - Chief Executive, the letter should be addressed to the Monitoring Officer who will set up an Employment Appeals Panel which will comprise of 5 Councillors or alternatively will appoint an independent Chief Executive from a neighbouring Authority. The Head of Customer Services or a representative from Human Resources will assist the Officer hearing the appeal.
- 2.2 The appeal will be heard without reasonable delay. The hearing officer shall notify the employee in writing at least 10 working days in advance of the time, date and place of the hearing, either party may be represented if they wish.
- 2.3 The employee shall send the hearing officer and Head of Customer Services, at least 5 working days before the hearing, a statement in writing, setting out any essential findings of facts with which they are dissatisfied, any documents to which they intend to refer, the names of any witnesses to be called and the name of any representative.

## **3. At the Appeal Hearing**

- 3.1 The officer originally dealing with the grievance shall put his/her case and may call witnesses, who may be questioned by the employee and the officers hearing the appeal.
- 3.2 The employee shall put their case and may call witnesses, who may be questioned by the officers hearing the appeal.
- 3.3 The parties shall withdraw while the appeal panel come to a decision.
- 3.4 When a decision has been reached, the parties shall be recalled and informed of the decision and the reason for it.

## **4. After the Hearing**

- 4.1 The proceedings shall be confidential and only the operative decision shall be published or made public in any way. Any decision shall be confirmed in writing.
- 4.2 There is no further right of appeal within the Council's procedures, but this does not affect any statutory right for an employee to pursue the grievance through an external legal process.

## **5. Records**

- 5.1 Records must be kept detailing the nature of the grievance raised, the responses given to the employee at any given stage, any action taken and the reasons for it. These records shall be retained in the personal file in accordance with the Data Protection Act. Copies of any meeting records should be given to the employee concerned except some information may be withheld, for example to protect a witness.