

## PART 5 (SECTION I)



# Grievance Policy

### Version History

Version	Author	Reason For Issue
October 2008		Revision agreed at JCC
July 2014	People Services	Policy review
August 2018	People Services	Fundamental review of policy

### Document Distribution

Title	Role
CMT	
Unison	Consultation and support
GMB	Consultation and support

### Document References

Reference	Document Title

### Policy statement

It is the policy of the Council that all grievances raised by employees are dealt with in a fair and effective manner and at the appropriate level bearing in mind the nature of the complaint. In particular, any form of harassment, discrimination, bullying or victimisation is unacceptable.

### Objectives

This policy enables employees to raise problems or concerns that they may have about work or their working environment, including 'Dignity at Work' issues.

This policy aims to ensure that:

- lawful, non discriminatory and effective arrangements exist for dealing with employee concerns and grievances;
- all employees are aware of their responsibilities regarding raising problems and concerns and will not suffer detriment for doing so as long as the complaint is not malicious; and
- managers are aware of and supported in carrying out responsibilities for the resolving of issues as soon as possible .

## **Raising a grievance**

Unless there are exceptional circumstances the grievance must be raised within three months of the incident or action giving rise to it. Any grievance raised outside of that time limit may not be considered.

Any grievance must be raised only by an employee or ex-employee (subject to the time limits above). If an ex-employee wishes to raise a grievance they must indicate in writing that this is the case. Criticisms of individuals or of the Council through, for example an exit questionnaire or interview will not be considered as a formal grievance for the purposes of this policy. There is no automatic right to a meeting in respect of a grievance by a person who raised a grievance as an ex-employee and any response to that grievance may be in writing only.

Some matters relating to employment do not fall within the scope of this policy and are dealt with under separate arrangements. These include:

- Disciplinary outcomes (refer to the Disciplinary Policy);
- Allegations of serious health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption or financial malpractice (refer to Whistleblowing Policy);
- Applications for grading, re-grading and appeals (refer to Job Evaluation Policy);
- Payroll matters affecting Income Tax, National Insurance, Pension etc (please refer by direct contact with the relevant provider concerned e.g. HMRC).

Grievances raised by employees against Members will either be dealt with under this policy or through the Dignity at Work Policy but will be managed by the Monitoring Officer or their nominated deputy. The decision over which policy will be used will depend on the subject matter in each individual case.

## **Grievance procedures**

Every effort should be made to resolve grievances through an informal process.

### Informal Stage

Where an employee has a complaint or issue arising from their employment, they may use the form at Appendix 1: Grievance and Dignity at Work Form. They should initially raise the matter with their immediate supervisor. The immediate supervisor should arrange to meet with the employee to discuss the matter and the supervisor should take notes and agree these with the employee. The notes must include the date the issue was raised, the date of the meeting, the nature of the grievance, any advice given and the outcome.

If the grievance relates to an employee's supervisor, the employee should raise the matter with the supervisor's line manager, who will seek to resolve the matter

informally. Before the meeting the manager may need to gather facts in order to resolve the matter.

As the matter is informal any meetings will involve the employee and manager only.

All issues should attempt to be first resolved at the informal stage, but if an employee goes to the formal stage, then consideration may be given by the manager hearing the matter for this to go back to the informal stage first.

The manager should confirm in writing to the employee the outcome of the informal stage.

This letter should also advise the employee that if they feel the matter has not been resolved satisfactorily via the informal stage they can proceed to the formal stage by writing to their Manager's Manager within 10 days of receiving the letter.

### Formal Stage

Any complaint should be in writing and Appendix 1: Grievance and Dignity at Work Form is for that purpose. It is not necessary for the employee to only use this form to raise a grievance. The form, letter or email setting out the grievance, the actions taken so far and what outcome is required to satisfactorily resolve the issue, should be given to the line manager who will forward it onto the next level of management.

That level of management will arrange a meeting to seek to resolve the matter with the complainant. Any meeting arranged must give a minimum of 5 working days notice and the employee will have the right to be accompanied by a recognised trade union representative or Boston Borough Council work colleague of their choice. The manager hearing the grievance will be accompanied by a representative from People Services. The supervisor or manager who has met with the employee to resolve the matter at the informal stage will also attend, with their notes of the previous informal meeting.

As this is a formal meeting, the process to be followed at that meeting can be found at Appendix 2: Guidance on Conducting a Formal Meeting. However the manager hearing the matter may determine a process that best meets the needs of the circumstances to resolve the matter.

The manager hearing the matter and employee will seek to resolve the grievance at this meeting. Possible outcomes may be:

1. Manager moves the matter back to the informal stage – the manager hearing the matter will notify the employee and their manager of the outcome within 5 working days of the meeting. The manager will keep notes of the meeting and outcome.

If the employee raising the grievance is dissatisfied with the outcome they can appeal (see Appeal Stage).

2. Manager upholds or rejects the grievance - the manager hearing the matter will notify the employee and their manager of the outcome within 5 working days of the meeting. The manager will keep notes of the meeting and outcome.

If the employee raising the grievance is dissatisfied with the outcome they can appeal.

3. Initiate an investigation – after hearing the full nature of the grievance the manager hearing the matter may decide that it needs to be investigated. They will inform the employee of this within 5 working days of the initial meeting and arrange for an officer not connected with the case to carry out the investigation. This officer will investigate the matter, produce a written report and deliver this to the manager hearing the grievance.

The report will look into the facts surrounding the grievance and the investigator will interview all relevant parties involved before writing the report. This is a fact gathering exercise. The investigator will not make conclusions or recommendations for action as this is for the manager hearing the matter to decide. The investigator will not normally need to be present at the subsequent meeting.

The manager will recall the meeting, using the template Letter 4. Where appropriate, a written report will be made available to the employee and manager who heard the matter at the informal stage, prior to the meeting, at the same time. The manager hearing the grievance will then seek to resolve the matter at this meeting, notifying both parties at the same time.

After seeing the report and meeting with both parties the manager hearing the matter may resolve to consider mediation (see below).

4. Mediation – the manager hearing the matter may decide to initiate mediation. This may be after a report has been prepared or may be a resolution in its own right.

Mediation can only take place if all parties are in agreement. People Services will make arrangements for the mediation to take place and this outcome is notified to all employees involved in the mediation in writing.

The outcome of any mediation is confidential between the parties concerned and the manager hearing the grievance will only be notified of whether agreement has been reached or not.

Mediation seeks agreement by both parties to act in a manner that is acceptable so there is no appeal against this outcome so long as the mediator confirms that agreement has been reached.

If there is no agreement between the two parties at mediation, the mediator will confirm this to the manager hearing the matter who will take this into account when coming to a decision. If dissatisfied with this decision the employee raising the grievance can appeal.

The Council maintains a list of appropriately trained and qualified mediators.

5. Appeal Stage. If an employee is dissatisfied with the response from the manager or the mediation has not secured agreement, they may appeal to the Head of Service of the relevant area. This must be in writing and within 10 working days of receipt of the outcome of the meeting or confirmation from the mediator that mediation has not secured agreement. Where the Head of Service has already been involved in the matter this should be appealed to the relevant director.

A grievance appeal must be heard by at least a Head of Service or above not previously involved in the matter. The manager hearing the appeal does not need to be from the same Service area as the employee raising the grievance, although they may be.

In attendance at the appeal hearing will be the manager hearing the appeal, the employee, their representative, the manager who heard the matter at the formal stage and a representative from People Services. All of the manager's notes of the previous meeting, reports and outcome letters will be provided to the manager hearing the appeal prior to the meeting.

The decision of the manager hearing the appeal is final and the outcome will be notified to the employee and their manager within 5 working days of the meeting.

### **Record Keeping**

Notes of the outcome and discussions will be kept securely on employee's personal files. People Services will retain papers on any formal grievance or appeal for a period of 6 months.