



Grievance procedure

1. Purpose and scope

It is the policy of the council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems, complaints or bullying/harassment issues employees wish to raise. This procedure aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

2. Principles

- Grievances will be dealt with promptly and consistently.
- At every stage in the procedure the employee will be given the opportunity to state his/her case before any decision is made.
- At all formal stages the employee will have the right to be accompanied (see 6).
- An employee will have the right to appeal against any outcome of a Grievance Hearing.
- At no time will an employee be penalised or victimised for having raised a Grievance against the council.

3. Procedure

3.1. Informal Approach

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. In the case of the grievance raised by or concerning the Chief Officer, this should be directed to the Chair of the HR Committee. All grievances will be treated with discretion and confidentiality at all times.

3.2. Written Statement

If the employee does not consider it appropriate to raise the grievance informally, they should submit a formal grievance in writing to their line manager, or if this is inappropriate, to the next level of management. In the case of the grievance raised by or concerning the Chief Officer, this should be directed to the Chair of the HR Committee.

3.3. Grievance Meeting

Within 10 working days of receipt of a formal grievance in writing, the line manager will arrange a date for a meeting with the employee. The time and location should be agreed with the employee; the meeting will be held within a further 10 working days and should be in a private location with no interruptions.

The manager will investigate the grievance and hear submissions from the employee concerned, together with such other submissions or evidence as he/she shall consider appropriate, and take such steps as he/she consider necessary to resolve the issue raised. The employee may call witnesses by prior arrangement with the manager. It may be necessary to adjourn the meeting in order for further investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The manager may ask the employee what he/she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

4. Response

The manager will advise the decision to the employee in writing within 10 working days and, where appropriate, include an action plan to assist in the resolution of the problem.

5. Appeal

If the employee is dissatisfied with the decision of the manager, he/she may appeal against the decision in writing to the Chief Officer or the Chair of the HR Committee, within 10 working days of the decision. An Appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair.
- New evidence has come to light.
- The employee thinks that the procedure was not applied properly.

The Appeal will be heard by a Panel of three councillors, who have not previously been involved in the case, and will view the evidence with impartiality. The employee will be notified, in writing, within 10 working days of receipt of notice of appeal, of the time, date and place of the appeal meeting. The employee will be advised of the right to be accompanied (see 7).

Any new evidence to be presented must be forwarded to the Panel at least three clear working days before the appeal. Should new evidence arise during the appeal, the employee (or companion) will be given the opportunity to comment before action is taken, if necessary, the appeal will be adjourned.

The Appeal Panel will appoint a Chair from one of its members.

At the Appeal, the Chair will:

- Introduce the panel members to the employee
- Explain the purpose of the meeting which is to hear the employee's reasons for appeal
- Explain the action that the Appeal Panel may take.

The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.

The Chair will inform the employee that he/she will receive the decision and the Panel's reasons, in writing, within 10 working days.

The Appeal Panel may decide to uphold the grievance decision or substitute a different decision.

The decision taken of the Appeal Panel will be final.

6. The right to be accompanied

At each formal stage of the procedure, an employee has the right to be accompanied by a work colleague, a trade union representative or an appropriately accredited official employed by a trade union.

The companion can:

- Address the hearing
- Put and sum up the employee's case
- Respond on behalf of the employee to any views expressed at the meeting
- Confer with the employee.

The companion cannot:

- Answer questions on behalf of the employee
- Address the meeting if this is against the wish of the employee
- Prevent the employee from explaining their case.

7. Confidentiality

So far as is reasonably practicable, any grievance or complaint will be kept confidential between the manager or Member investigating the grievance, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

8. Grievances raised during disciplinary

If an employee chooses to exercise his/her right to raise an internal grievance after a disciplinary process has commenced, the disciplinary matters will be put on hold until the grievance has been aired and actions towards a resolution have been progressed.

Review May 2020

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