

# **EMPLOYEE GRIEVANCE PROCEDURE**

## **Introduction**

- 1 If you have any problem or concern about your work, working environment or working relationships, you are entitled to raise it and have it addressed. Often a problem can be resolved quickly and informally, by you and your manager or colleagues, just by talking things through. This is normally the best way of dealing with things.
- 2 Sometimes you may have a problem or concern that seems more serious. This may need to be dealt with in a more formal way. This grievance procedure provides a way to deal with such matters. The aim of this procedure is to resolve problems as fairly and speedily as possible.
- 3 This grievance procedure applies to all Council employees, except staff in schools, where local arrangements apply. The grievance procedure is based on the idea that your problem can be resolved by taking it to a higher level in the organisation. The procedure sets out what those levels are, and there is a table for quick reference (in Appendix 1). If you are unclear about anything in the procedure, ask your manager or personnel.
- 4 Very senior staff have fewer higher levels to which they can take a grievance, and so the procedure is shortened slightly in their case. This is explained in Appendix 2, which deals with how the procedure works for Executive Directors, Directors, and Staff who report directly to a Director or Executive Director.

## **What the grievance procedure covers**

- 5 This procedure applies to all types of grievance that current staff may have although there are some things you cannot use this procedure for. You cannot use it to appeal against disciplinary action that has been taken against you; you cannot use it to appeal against your job grading; nor can you use it to appeal against being selected for redundancy. This is because there are separate procedures for those things. You cannot use this procedure if there is a “collective dispute”: in other words if the same grievance applies to more than one person and talks about it are taking place involving the trade union or any other staff representatives. Finally, you cannot use this procedure to challenge decisions that are made outside the Council, such as on tax and national insurance matters or changes in the law.
- 6 Apart from the matters mentioned above, you can raise a grievance about any issue that affects you at work, such as your work or working arrangements, your office and its equipment (including health and safety concerns), relationships at work, your performance review or PRP rating, your employment contract or equal opportunities.

- 7 You can use this procedure to complain if you feel you are being bullied or harassed by your manager. The council does have separate guidance notes for staff about bullying, called Workplace Bullying and Harassment Policy, and you should read those too. Those guidance notes set out formal and informal ways of dealing with bullying. The Council understands that someone who feels bullied by their manager may feel unable to confront their manager about it, especially at a first stage meeting of the grievance procedure. For this reason there is a slightly varied procedure if a grievance is about bullying by a manager. This is explained in paragraph 13.

### **The basic principles**

- 8 The grievance procedure is not an alternative to dealing with a matter informally. Before beginning this procedure you should have tried to resolve the matter by discussing it with your manager or colleagues, unless the matter is one of bullying or harassment, which you may feel unable to tackle in that way. You may also have discussed the matter with a trade union representative.
- 9 You have the right to be accompanied by a work colleague or trade union representative, at formal meetings held under the grievance procedure. You may not be accompanied by anyone else. This is in line with the statutory Code of Practice on disciplinary and grievance procedures.
- 10 Each step and action under the grievance procedure must be taken without unreasonable delay. Normally at each stage your manager would confirm the decision in writing within one week of a meeting. At each stage you would be expected to confirm within two weeks whether you want to appeal against that decision. If you do not meet that deadline without good reason then your grievance will end.
- 11 This procedure only applies to current employees of the Council. You cannot use this procedure if you have left the Council's employment. If you have a complaint after you have left then you can write to your former Director, who will consider what you say and reply in writing to you. In the same way, if you leave the Council's employment after you have raised a grievance, then the grievance procedure will normally stop when you leave, unless you wish to continue to present your case. If you leave and do not wish to pursue your grievance then your Director will write to you to confirm how your grievance has been left. (Former Directors and more senior staff would need to correspond with someone else – please see Appendix 2 for details.)

### **Keeping written records**

- 12 While a grievance is being pursued, your department will keep all relevant documents, fully recording the progress of your complaint, and what is discovered and decided at each stage. Once a grievance is completed, then these records will be retained not on your staff personal file but in a

separate file within the personnel department. These records will be kept confidentially and in accordance with the Data Protection Act 1998.

## **The procedure**

*(Please note that this procedure will vary slightly for very senior staff, as explained in Appendix 2)*

- 13 **First stage.** If you consider that you have a grievance and you have not been able to resolve it informally, then you must set out the grievance in writing and send the statement or a copy of it to your immediate supervisor or manager. The grievance procedure won't start until you have done that. Your statement must be signed and dated, and it must include full details of your complaint, and what outcome you are looking for from the grievance procedure. You should describe also what attempts if any you have made to deal with the matter informally. If your grievance refers to documents or other evidence, then you should include these, or copies of them, if you can.
- 14 If your grievance is that you are being bullied or harassed by your immediate manager then you should send your statement to his or her manager, and send a copy to your immediate manager. Your immediate manager will then also make a written statement in response and send it to you and to his manager. Those statements will then be considered by the senior manager at a first stage meeting.
- 15 You should submit your written grievance within three months of the incident or event which has caused your complaint, or within three months of your attempt to resolve a problem informally. Although there is a three month period you should raise your grievance promptly or as soon as you reasonably can. If you are unable to submit your grievance within three months you must explain in your letter why that is.
- 16 The manager to whom you sent your grievance will arrange to meet with you. That meeting will take place without unreasonable delay, and it should take place within two weeks of the date your manager receives your written grievance. If your manager is unable to meet with you within two weeks then he or she must explain in writing why that is. You may be accompanied at a meeting (see paragraph 7 above), and your manager may be accompanied by a personnel officer or another colleague. Your manager will decide whether or not to invite to the meeting any other witnesses.
- 17 After the meeting your manager will inform you in writing within one week of his or her decision and the reasons for it. The letter will also tell you to whom you must write if you are unhappy with the decision and wish to appeal, and it will remind you of the timescale for doing that.
- 18 **Second stage.** If you wish to appeal against the decision that has been taken at the first stage, then you must write as soon as possible to the officer named by your manager at the end of stage one. This will be a more senior officer, normally in your business group, and is likely to be your manager's manager. Depending on the structure of your department, it may

be your Director. You should write your appeal letter within two weeks of being informed of the outcome of the first stage. If you are unable to write this appeal letter within two weeks you must explain in writing why that is. If you do not have a good reason for delaying more than two weeks, then your grievance will end. In your appeal letter you must say clearly why you feel the decision made at the first stage was unfair. You should attach to your appeal letter a copy of all the relevant documents, including the letter from your manager at the end of the first stage.

- 19 The manager hearing the second stage will arrange to meet with you. That meeting will take place without unreasonable delay, and it should take place within two weeks of the date of your appeal letter. If your manager is unable to meet with you within two weeks then he or she must explain in writing why that is. Once again, you may be accompanied at a meeting, and your manager may be accompanied by a personnel officer or another colleague. The manager hearing the second stage will decide whether or not to invite to the meeting any other witnesses.
- 20 Within one week following the meeting the manager who has heard the second stage will inform you in writing of his or her decision and the reasons for it. The letter will also tell you to whom you must write if you are unhappy with the decision and wish to appeal, and it will remind you of the timescale for doing that.
- 21 **Third stage.** If you wish to appeal against the decision that has been taken at the second stage, then you must write to your Executive Director as soon as possible. (If you work in the Corporate Services business group, you should write to the Town Clerk and Chief Executive.) This should be within two weeks of receiving the letter confirming the outcome of the second stage. If you are unable to write this appeal letter within two weeks you must explain in writing why that is. If you do not have a good reason for delaying more than two weeks, then your grievance will end. In your appeal letter you must say clearly why you feel the decision made at the second stage was unfair. You should attach to your appeal letter a copy of all the relevant documents, including the letter from the manager giving the decision at the end of the second stage.
- 22 Your Executive Director (or the Town Clerk and Chief Executive) will arrange a meeting to consider your appeal. This meeting may be with the Executive Director in person, or it may be with another senior manager if the Executive Director so decides. That meeting will take place without unreasonable delay, and it should take place within two weeks of the date your appeal letter was received. If your Executive Director or other senior manager is unable to meet with you within two weeks then he or she must explain in writing why that is. Once again, you may be accompanied at a meeting, and your Executive Director or other senior manager may be accompanied by a personnel officer or another colleague. Your Executive Director or other senior manager will decide whether or not to invite to the meeting any other witnesses.
- 23 Within one week following the meeting your Executive Director or other senior manager will inform you in writing of his or her decision and the

reasons for it. The letter will also tell you to whom you must write if you are unhappy with the decision and wish to appeal, and it will remind you of the timescale for doing that.

- 24 **Fourth stage.** This is the final stage of the grievance procedure. If you wish to appeal against the decision that has been taken at the third stage, then you must write to the Head of Governance Services as soon as possible. This should be within two weeks of receiving the letter confirming the outcome of the third stage. If you are unable to write this appeal letter within two weeks you must explain in writing why that is. If you do not have a good reason for delaying more than two weeks, then your grievance will end. In your appeal letter you must say clearly why you feel the decision made at the third stage was unfair. You should attach to your appeal letter a copy of all the relevant documents, including the letter from your Executive Director giving the decision at the end of the third stage.
- 25 The Head of Governance Services will arrange a meeting of the Council's Appeals Panel to consider your appeal. That meeting will take place without unreasonable delay, and it should take place within four weeks of the date your appeal letter was received. If the Appeals Panel is unable to meet within four weeks then the Head of Governance Services will explain in writing why that is. Once again, you may be accompanied at the meeting of the Appeals Panel, and you may call witnesses if you wish.
- 26 At the end of the meeting or within one week following the meeting the Appeals Panel will inform you of its decision and the reasons for it. This will be confirmed in writing.
- 27 The decision reached at the fourth stage is final, and constitutes the end of the grievance procedure. There is no further appeal within the Council against it.

Table showing summary of grievance procedure

	All Staff (except these →)	Officers reporting to Director/Exec Director		Directors		Executive Director
		(Reporting to Director)	(Reporting to Exec Director)	(Corporate Services)	(Other BGs)	
First Stage	Immediate supervisor or manager	Director	Executive Director	TC&CE	Executive Director	TC&CE
Second Stage	More senior manager (may be Director)	Executive Director (TC&CE in Corporate Services)	TC&CE	Appeals Panel	TC&CE	Appeals Panel
Third Stage	Exec Director (TC&CE in Corporate Services)	Appeals Panel	Appeals Panel		Appeals Panel	
Fourth Stage	Appeals Panel					

Timescales :

Meetings : within 2 weeks of receipt of grievance (except Appeals Panel meetings)

Move to next stage : 2 weeks.

Decisions : 1 week.

### How the Grievance Procedure varies for senior staff

- A1 Very senior staff have fewer higher levels to which they can take a grievance, and so the normal procedure (set out in paragraphs 13-27 above) is amended slightly in their case. This is shown in Appendix 1, which illustrates how the procedure works for Executive Directors, Directors, and Staff who report directly to a Director or Executive Director. Apart from these necessary changes to the number of stages, and to the individuals hearing a grievance at each stage, the grievance procedure is essentially the same as for all other staff: coverage, principles, timescales, and documentation are the same.
- A2 If a former Director or former Executive Director makes a complaint after they have left the Council's employment, then that complaint should be sent to the officer to whom they directly reported. Similarly, if a Director or Executive Director leaves after raising a grievance, but before the grievance is resolved, then the officer to whom they directly report will write to them to confirm how the grievance has been left. All this follows the same principle as that set out in paragraph 11 above.