

Grievance Policy



April 2018

Contents

1	What is a grievance?	1
2	Resolving a grievance	1
2.1	Informal process	1
2.2	Formal process	2
3	Grievance investigation	2
3.1	Timescales	2
3.2	Investigating Officer	2
3.3	Grievance meetings	2
3.3.1	Employee raising the grievance	2
3.3.2	Employee who is the subject of grievance	3
3.3.3	Witnesses	3
3.3.4	Final grievance meeting	4
3.4	Responding to the grievance	4
4	Outcomes	4
4.1	Communicating the outcome	4
5	Appeal	5
6	Other types of grievance	5
6.1	Collective grievances	5
6.2	Post-employment grievances	5
7	Flowchart	6
7.1	Informal grievance process	6
7.2	Formal grievance process	7
8	Supporting documents	8
9	Further information	8
9.1	Confidentiality	8
9.2	Dealing with abuses of the policy	8
9.3	Equality and diversity	8
10	Contact details	9

1 What is a grievance?

A grievance is a concern, problem or complaint raised by an employee with their employer regarding their work, working conditions or relationships with colleagues.

It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance but some of the more common types are listed below.

General work issues

For example, issues regarding terms and conditions of employment, health and safety, working practices or working relationships.

Bullying

This is behaviour that is offensive, intimidating, malicious, insulting and the misuse of power. It is behaviour that has created working conditions or an environment that is hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about.

Harassment

This is unwanted behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees can complain of behaviour they find offensive even if it is not directed at them. Harassment differs from bullying in that it specifically refers to unwanted behaviour in relation to a protected characteristic.

Victimisation

This occurs where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against or in some other way intimidating them.

It is important to remember that in all instances, it is not what may have been intended by the perpetrator that is important in deciding whether unacceptable behaviour has occurred; it is whether the actions and comments can objectively be viewed as demeaning and unacceptable to the person making the complaint.

Employees should be aware that they cannot raise a grievance that is the same or similar to a grievance that has been investigated within the previous 12 months unless any action to redress the grievance has not been implemented.

2 Resolving a grievance

It is in the best interests of everyone to ensure that grievances are dealt with quickly, equitably and resolved informally wherever possible. In the first instance, employees are asked to try to discuss the issue with their manager or the person concerned to try to reach an early resolution.

2.1 Informal process

Where an employee has concerns about the behaviour of an individual, they should tell them that their behaviour is causing concern or offence, explain the effect that it is having on them and that it

must stop. The employee may not be aware that their actions cause offence to others and once it is highlighted this may resolve the situation.

If the matter is not resolved informally or if there are specific circumstances that make the informal route inappropriate, the formal grievance procedure should be followed.

2.2 Formal process

Where it has not been possible to resolve a grievance informally, the employee can choose to raise a formal grievance.

The employee must set out their concerns to their manager using the Formal Grievance Form (See supporting document A), providing as much information as possible to enable the grievance to be dealt with effectively. If the grievance is regarding the Parish Clerk, the form should be submitted to the Chair.

If an employee submits a formal grievance without attempting to resolve the situation informally and where there are no specific circumstances that make the informal route inappropriate, the manager should encourage the employee to participate in the informal process in the first instance.

3 Grievance investigation

Where it is felt that the informal process has been exhausted, a thorough investigation of the allegations and/or issues should be carried out. Any investigation must look impartially at the issues raised in the grievance and reach any conclusion based on the facts and evidence.

3.1 Timescales

Managers should endeavour to investigate the grievance and provide the outcome to the employee who raised the grievance within **30 working days** of the Formal Grievance Form being received. Managers and employees should be aware that an extension to this timescale may need to be agreed, depending on the complexity of the case.

3.2 Investigating Officer

In some circumstances, the manager who receives the grievance may wish to appoint an Investigating Officer to look into the grievance on their behalf.

3.3 Grievance meetings

3.3.1 Employee raising the grievance

The Investigating Officer will arrange a meeting with the employee raising the grievance to discuss the issues in more detail within **10 working days** of the form being received.

The employee is entitled to be accompanied at the meeting by a trade union representative or a work colleague. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest.

If the person accompanying the employee cannot attend on the date suggested, the Investigating Officer should suggest another date, not more than **5 working days** after the original date. This time limit may be extended by mutual agreement.

The purpose of the meeting is to:

- clarify the nature of the grievance;
- identify what further information is needed;
- discuss the employee's proposals for resolving the issues; and
- establish if a longer timescale will be necessary.

At the end of the meeting the Investigating Officer should give the employee an indication of when they might reasonably expect a response to the grievance. If the Investigating Officer feels that a response cannot be provided within 30 working days, bearing in mind any additional investigations they feel may be necessary, an extension to the timescales should be agreed.

Where unavoidable delays occur, e.g. due to annual leave or sickness, the Investigating Officer should contact the employee, in writing, to agree revised timescales and to provide an update on the progress of the investigation.

3.3.2 Employee who is the subject of grievance

Where a grievance is raised against another employee, it is important to approach the situation sensitively and carefully.

The Investigating Officer should generally start by talking privately to the employee to alert them to the fact that a concern has been raised by a fellow employee. Following this, the employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

During the grievance investigation meeting, the Investigating Officer will explain the allegation(s) that have been made against the employee and will provide them with an opportunity to put forward their understanding of the situation.

3.3.3 Witnesses

In some circumstances, the Investigating Officer will be required to interview witnesses. The employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

Every effort should be made to avoid disclosing any confidential information unnecessarily, however, the Investigating Officer cannot give an unqualified commitment to maintain the confidentiality of a witness.

3.3.4 Final grievance meeting

To conclude the investigation, the Investigating Officer will arrange a final meeting with the employee who raised the grievance. The purpose of this meeting is enable the Investigating Officer to:

- outline the key points of the investigation i.e. who has been interviewed;
- clarify that all areas of the grievance agreed in the initial meeting have been covered;
- allow the employee the opportunity to highlight any areas they feel have not been sufficiently investigated; and
- allow the employee the opportunity to respond to any key issues that have come up during the investigation that were not covered at the initial meeting.

3.4 Responding to the grievance

Once the Investigating Officer feels they have all the necessary facts and evidence to enable them to make a decision, they will compile a report summarising their findings to establish the outcome.

4 Outcomes

The list below is not exhaustive, but gives some examples of the possible outcomes of a grievance investigation.

Grievance not upheld

Where insufficient evidence to support any of the allegations made, the grievance will not be upheld and there will be no further action taken.

Grievance upheld (either in whole or in part)

Where insufficient evidence to support all or some of the allegations made, there are a number of outcomes to consider in relation to each allegation:

- no further action;
- formal mediation - mediation may be suggested as an outcome as a way to resolve the grievance;
- action plan - aimed to address the behaviour which has caused the problem. The action plan may include objectives, target setting and training;
- disciplinary action - where it is clear that a conduct issue exists and there is a case to answer, disciplinary action may be considered. Further information can be found in the Council's Disciplinary Policy.

4.1 Communicating the outcome

A written response should be sent to the employee, summarising the outcome of the grievance investigation. The employee should also receive a copy of the investigation report.

It may be appropriate to arrange a meeting with the employee to talk through the findings and explain how they reached their decision.

If the grievance was raised against another employee, they should receive a letter detailing the outcome of the investigation. The full report should **not** be sent to the employee who the grievance was raised against.

If the grievance was upheld and further action is required e.g. implementation of an action plan or disciplinary action, the employee's manager should be notified as soon as possible.

5 Appeal

If the employee is dissatisfied with the decision, the employee has 10 working days from receipt of this decision to submit an appeal. The employee should appeal, in writing, setting out the grounds of appeal and send it to the Appeals sub committee.

The Council's Appeals sub committee constitutes the final forum within the Council for consideration of grievance issues.

6 Other types of grievance

6.1 Collective grievances

The provisions within the Employment Act 2002 (Dispute Resolution) Regulations 2004 allow grievances to be dealt with collectively where more than one employee has the same grievance:

- the parties will be treated as having complied with the relevant grievance procedure if the grievance is raised in writing on behalf of at least two employees (including the complaining employee) by an 'appropriate representative'; and
- the 'appropriate representative' is defined as an official of an independent trade union recognised by the employer for the purpose of collective bargaining or an employee of that employer who was elected or appointed to represent employees and has authority to do so under an established procedure to resolve grievances.

6.2 Post-employment grievances

This procedure applies where an employee has ended their employment with the Council and the Council was either not aware of the grievance before their employment ended or were aware but the formal procedure had not been started before the employment ended.

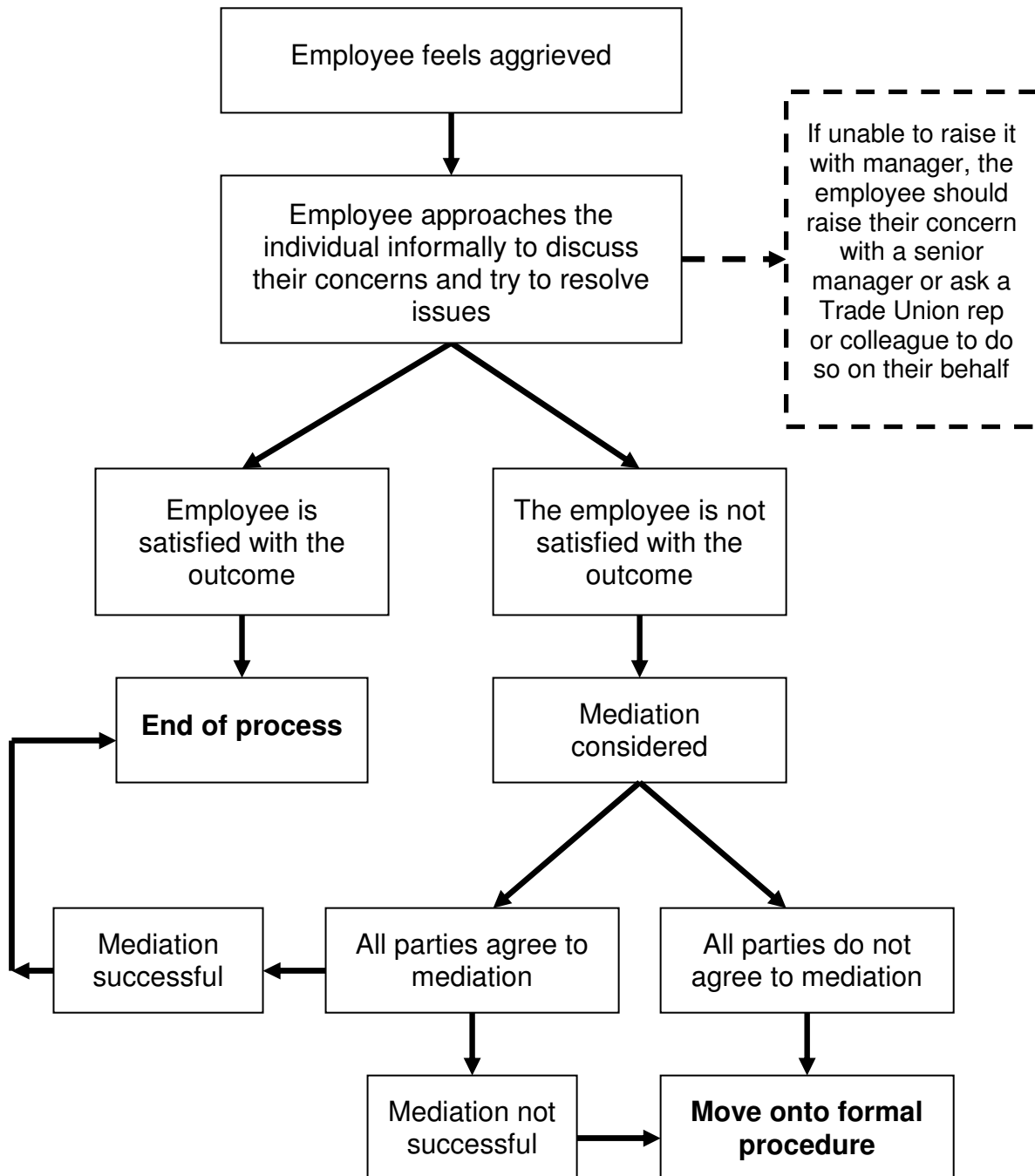
The former employee should put their grievance, in writing within 3 months of the effective date of termination, to their former manager. Where the grievance is against the former employee's manager, the grievance should be put to an appropriate senior manager.

The manager must investigate the grievance, although there is no requirement to meet with the former employee, and should respond, in writing, within 10 working days of receiving the grievance.

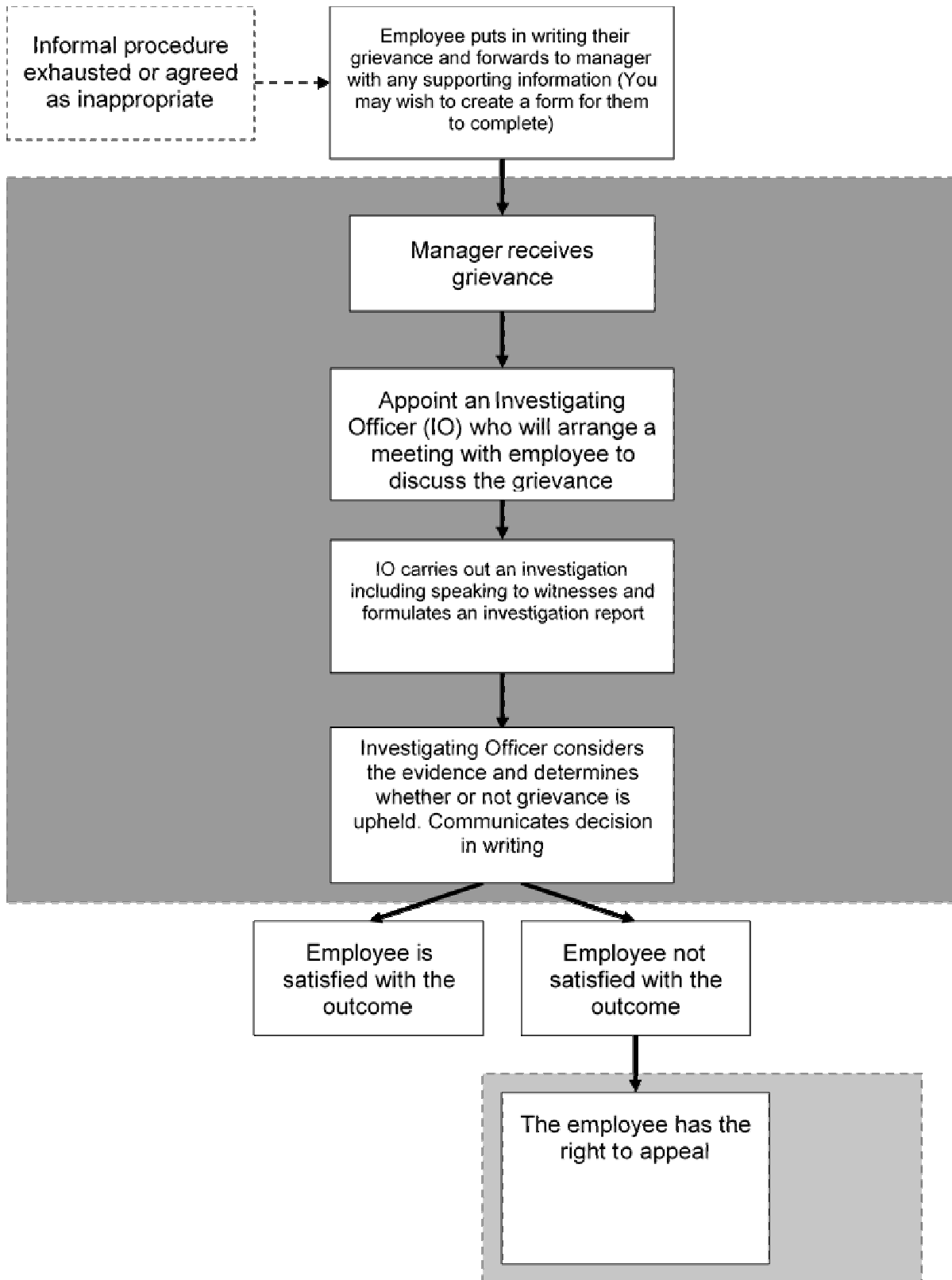
This is then the end of the procedure for Coxhoe Parish Council, there is no right of appeal.

7 Flowchart

7.1 Informal grievance process



7.2 Formal grievance process



8 Supporting documents

The following documents, which support this policy and procedure are as follows:

A	Formal Grievance Form
B	Invitation to Grievance Meeting
C	Notification of Grievance Allegations
D	Template Grievance Report
E	Outcome Letter – Employee raising Grievance
F	Outcome Letter – Employee grievance against

9 Further information

9.1 Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

9.2 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

9.3 Equality and diversity

Coxhoe Parish Council is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our aim is to treat people fairly, with respect and dignity. We also aim to comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

10 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the Parish Clerk using the contact details below:

Email: clerk@coxhoeparishcouncil.gov.uk
Tel: 0191 3773658 / 07988 283287

This policy was agreed by Coxhoe Parish Council at its meeting on 4th April 2018.

Signed:

(Chair)

Date: