



Grievance Policy and Procedure

February 2019

1 Introduction

- 1.1 This policy is taken from NALC Legal Topic Note 22 (February 2016). The policy is based on and complies with the ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council.
- 1.2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 1.3 Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
- 1.4 This policy confirms:
 - Employees have the right to be accompanied or represented at a grievance meeting by a workplace colleague, a trade union representative or a trade union official. The companion is permitted to address the grievance/appeals meetings, to put the employee's case for their grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case
 - The Council will give employees reasonable notice of the date of any grievance/appeals meetings. The employee (and companion) must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within 5 working days of the original meeting date
 - Any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
 - Employees have the right to appeal against the decision about their grievance. The appeal decision is final
 - Information about an employee's grievance will be restricted to those involved in the disciplinary process. A record of the reason for the grievance, its outcome and the action taken by the Council is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the Data Protection Act 2018
 - Recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition

- If an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- If a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith

2 Mediation

The Council may consider mediation at any stage of the grievance procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

3 Informal Grievance Procedure

The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their manager (for example, because it concerns the manager), the employee should contact the Chair of the Personnel subcommittee or, if appropriate, another member of the Personnel subcommittee.

4 Formal Grievance Procedure

- 4.1 If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. This should be submitted in writing to the Chair of the Personnel subcommittee.
- 4.2 The Personnel subcommittee will appoint a panel of 3 members to investigate the grievance. The panel will appoint a Chair. No councillor with direct involvement in the matter, or who is a member of the Appeals subcommittee shall be appointed to the panel.

5 Investigation

The panel will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public).

6 Notification

Within 5 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The letter will include the following:

- The name of the Chair and other members
- A summary of the employee's grievance based on their written submission
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 10 working days of when the Council received the grievance.
- The employee's rights to be accompanied by a workplace colleague, a trade union representative or a trade union official
- A copy of the Council's grievance policy
- Confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of their witnesses at least 5 working days before the meeting
- Confirmation that the employee will provide the Council with any supporting evidence at least 5 working days before the meeting.

7 The Grievance Meeting

At the grievance meeting:

- The Chair will introduce the members of the panel to the employee
- The employee (or companion) will set out the grievance and present the evidence
- The Chair will ask the employee what action does they want the Council to take
- Any member of the panel and the employee (or companion) may question any witness
- The employee (or companion) will have the opportunity to sum up the case
- The Chair will provide the employee with the panel's decision, in writing, within 5 working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal
- A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the panel.

8 The Appeal

- 8.1 If an employee decides that their grievance has not been satisfactorily resolved by the panel, they may submit a written appeal to the Personnel subcommittee. An appeal must be received by the Council within 5 working days of the employee receiving the panel's decision and must specify the grounds of appeal.
- 8.2 The grounds for appeal include:
- A failure by the Council to follow its grievance policy
 - The panel's decision was not supported by the evidence
 - The action proposed by the panel was inadequate/inappropriate
 - New evidence has come to light since the disciplinary meeting.
- 8.3 The appeal will be heard by the Appeals subcommittee.
- 8.4 The employee will be notified, in writing, within 5 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The meeting will take place within 10 working days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a companion – a workplace colleague, a trade union representative or a trade union official.
- 8.5 At the appeal meeting, the Chair will:
- Introduce the sub-committee members to the employee
 - Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Personnel subcommittee
 - Explain the action that the Appeals subcommittee may take
- 8.6 The employee (or companion) will be asked to explain the grounds for appeal.
- 8.7 The Chair will inform the employee that they will receive the decision and the sub-committee's reasons, in writing, within 5 working days of the appeal hearing.
- 8.8 The Appeals sub-committee may decide to uphold the decision of the Personnel subcommittee or substitute its own decision.
- 7.10 The Appeals subcommittee's decision is final.

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