

Grievance Policy

Agreed by TUs



www.reading.gov.uk



Reading
Borough Council
Working better with you

Document History	
Version	2.1 (see below for previous versions)
Status	Reviewed and agreed by Trade Unions
Date	July 2021
Target audience	All employees of Reading Borough Council with the exception Schools-based staff
Ratification	None
Author	HR Employment Services Team

Version control	Reviewers
Version 1.1	Initial draft – January 2018
Version 1.2	Draft incorporating HR professionals' feedback – March 2018
Version 1.3	Second draft incorporating Head of HR and Organisational Development's comments – July 2018
Version 1.4	Final version agreed with Joint Trade Unions in December 2018 (Next review is due December 2020 or sooner if required by legislation)
Version 2.0	Reviewed by HR
Version 2.1	Reviewed and agreed by Trade Unions

Table of Contents

1. Objectives and scope.....	4
2. Relationship to other Council procedures	5
3. Informal resolution and mediation	5
4. Formal Action.....	6
4.1 The right to be accompanied	7
4.2 The grievance meeting	7
4.3 Grievance appeal	8
5. Collectives grievances.....	9
6. Data protection and retention of employee records	10

Additional Guidance

- Guidance for employees on what to include in a grievance letter

(The additional guidance is not part of the policy but is available to assist those involved in the policy. It can be found on the intranet or by clicking on the links above)

1. Objectives and scope

- 1.1. Reading Borough Council (the 'Council') is committed to providing a working environment where everyone is treated with fairness, consistency, dignity and respect. This policy provides a framework for assisting employees and managers in seeking to resolve disputes and/or differences arising from employment within the Council. These matters will be resolved fairly and without undue delay, either informally or formally.
- 1.2. Grievances may be concerned with a wide range of issues, including but not limited to the allocation of work, working environment or conditions, the opportunities that have been given for career development or the way in which an employee has been managed.
- 1.3. Line managers must respond to issues raised in a timely way. In most cases grievances can be resolved informally by the manager and individual concerned.
- 1.4. The Council encourages all the parties to a grievance to look proactively for a positive resolution.
- 1.5. This policy has been agreed with the Joint Trade Unions as the most effective means of resolving a grievance or collective dispute.
- 1.6. No employee will be made to feel disadvantaged in any way because they have raised or pursued a grievance in good faith.
- 1.7. If two or more employees have identical grievances and wish them to be addressed in the same grievance process, they can raise a collective grievance. Collective grievances will be dealt with under this policy, with reference to the provisions in [section 5](#) below.
- 1.8. The formal policy is for use in situations where it is not possible to resolve issues informally or through the use of mediation. The Council expects all such cases to be dealt with fairly, consistently and without undue delay.
- 1.9. This policy applies to all employees of Reading Borough Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment.
- 1.10. This policy does not apply to:
 - The Chief Executive, for whom the provisions of the JNC for Local Authority Chief Executives Conditions of Service Handbook would apply
 - Agency workers or interims
 - Schools based staff for whom separate procedures may apply
- 1.11. The Council may choose to investigate concerns raised by former employees on a case by case basis.

- 1.12. Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under the Grievance Policy, unless it relates to a failure to engage in collective negotiation or consultation.

2. Relationship to other Council policies

- 2.1 This policy is not intended to add another layer to Council decision making or to challenge actions and/or decisions taken under other policies or procedures. The Grievance Policy will not apply where there is an alternative mechanism for concern(s) to be addressed. These include:
- Job Evaluation Appeals
 - Recruitment decisions
 - Disciplinary, Sickness and Capability Procedure outcomes
 - Application of pension scheme rules
 - Probation
 - Service restructures resulting in redundancy
- 2.2 The Council's [Bullying and Harassment Policy](#) provides for a complaint of bullying or harassment to be registered as a formal grievance under this policy. Allegations of bullying or harassment often need to be handled quite differently and further guidance is available within the [Bullying and Harassment Policy](#).
- 2.3 The Council has a [Whistleblowing Policy](#) for raising concerns about any alleged wrongdoing in the workplace such as fraud or corruption, unlawful acts or dangers to health and safety. Matters raised under the Whistleblowing Policy may more appropriately be dealt with as a grievance (and potentially vice versa). Whether allegations are more appropriately dealt with under the Whistleblowing or Grievance Policy is a management decision. The key point is that the concerns will be dealt with seriously and progressed.
- 2.4 A grievance raised by an employee in response to an investigation and/or management action into his or her apparent misconduct, underperformance or absence may be addressed in a number of ways, depending on the nature and timing of the grievance. This could include:
- Commissioning an independent investigation
 - Hearing both issues at the same time in a single hearing
 - Pausing formal management action while the grievance is considered.
- 2.5 Where a grievance relates to working conditions, the 'status quo' will be maintained until all formal stages of this policy have been exhausted. The status quo is defined as the working conditions prior to the raising of the grievance. Status quo will not apply where there would be a detrimental impact on service provision or where there are over-riding statutory obligations.

3. Informal resolution and mediation

- 3.1 The Council encourages informal resolution of grievances in the first instance and the use of mediation where appropriate as an alternative to formal grievance meetings. Informal resolution can allow problems to be dealt with quickly and often without the need for detailed investigations to happen first.
- 3.2 Mediation is a collaborative process which can help repair the relationship of the parties involved and in doing so restore a healthier work environment. It can be suggested by an employee at any stage of this policy. Mediation is an entirely voluntary and confidential process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator facilitates the process of seeking to resolve the problem but not the outcome.
- 3.3 Mediation may also be appropriate at any time during the Grievance Policy (by halting proceedings, by mutual consent) or at the end, if working relationships need to be repaired.
- 3.4 Mediation is not suitable for everyone. If any party to the grievance decides to decline an offer of mediation then this will not influence the outcome of the grievance.

4. Formal action

- 4.1 The first stage is for the employee to put their complaint in writing to their line manager. If the grievance is about the employee's line manager the grievance should be submitted to the line manager's manager or to HR. Receipt of the grievance will be acknowledged within five working days.
- 4.2 Any grievance must be lodged within three calendar months of the date of the act complained of. Extension of this time limit will only be agreed where the manager designated to chair the grievance meeting accepts that it was not reasonably practicable for the employee to lodge the grievance in time. Historic cases of sexual harassment may be an example of where this time limit may be extended – see the [Bullying and Harassment Policy](#) for more information.
- 4.3 The written grievance will form the basis of the subsequent meeting and any investigations, so it is important that it sets out clearly the nature of the grievance and the outcome being sought. If the grievance is unclear, it may be necessary to seek further clarification from the employee before any meeting takes place. Guidance for employees on what to include in a grievance letter is available on the intranet.
- 4.4 Before proceeding to a grievance meeting, it may be necessary to carry out investigations of any allegations made, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, the employee will be given a copy at least three working days before the meeting so that he/she can consider their response. In exceptional circumstances, the evidence given by individuals may have to remain

confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be provided to them.

- 4.5 Normally a manager from within the employee's service area will be designated to investigate the grievance and chair the grievance meeting. Exceptions to this will be considered on a case by case basis. The nature of the grievance will determine the most appropriate way to establish the facts and the manager may seek to appoint an investigating officer to undertake the investigation.

The right to be accompanied

- 4.6 Employees have a statutory right to be accompanied to a formal grievance meeting. The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. The employee must tell the manager chairing the meeting who they have chosen as their companion at least three working days before the meeting. Reasonable adjustments will be made where needed if the employee has a disability. This could include, for example, the provision of a support worker or advocate with knowledge of the disability and its effect, in addition to the right to be accompanied by a fellow worker or a trade union representative.
- 4.7 The meeting can be rearranged if the employee or their companion cannot attend the scheduled meeting for a reason not foreseeable at the time. The employee or their representative must propose an alternative date that is within five working days of the original date of the meeting. The Council is obliged to rearrange the meeting only once; however, if an alternative date is proposed by the employee, it will not be unreasonably refused.
- 4.8 The Council considers it is good practice to allow the chosen companion to participate as fully as possible in the meeting, including putting questions to any witnesses who may be asked to attend if appropriate. However the companion will not answer questions on the employee's behalf, or address the meeting if the employee does not wish it.
- 4.9 If the employee is not accompanied, the manager will check the employee understands that they have the right to be. If they decline to be accompanied, a note will be made to that effect.

The grievance meeting

- 4.10 The meeting will be held as soon as is reasonably practicable by the manager designated to chair the grievance meeting ("the Chair") subject to any need to carry out prior investigations. The employee will be invited to attend a meeting to discuss the grievance, once the Chair has had a reasonable opportunity to consider how best to investigate the grievance. The Council will give the employee a minimum of five working days' advance notice of the meeting in writing, and the letter will include the date, time and location of the meeting and their right to be accompanied by a Trade Union representative or fellow worker. The manager chairing the meeting will be advised by an HR professional and a note taker will also be present.

- 4.11 The intention of the grievance meeting is that it should be an opportunity for discussion and dialogue, with the objective of seeking to fully understand the nature of the grievance and then to find a resolution.
- 4.12 There is no set format for this meeting. The Chair may choose to meet with the employee on more than one occasion and consider any supporting information provided. This may include the opportunity to meet together with the employee and the person the grievance is against, at the same time if the Chair considers it appropriate, after taking account of each individual's circumstances. They may need to adjourn the meeting if they need to investigate further, including interviewing potential witnesses and exploring alternative possibilities for resolution of the grievance.
- 4.13 While the employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their complaint. The manager conducting the meeting will intervene if he/she thinks that the discussion is straying too far from the key issue, or to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.
- 4.14 After due consideration, the Chair may dismiss or uphold the grievance or elements of the grievance. They may also, if evidence indicates a breach of the Council's [Code of Conduct](#) or other Council policies, decide that it may be more appropriate to deal with the issue(s) under the Council's [Disciplinary Policy](#).
- 4.15 Where possible, the Chair will meet the employee, and where appropriate the individual the grievance is against, either separately or together, to inform them of the decision and if applicable, outline any proposed action(s) that will be taken. Mediation may be appropriate at this stage ([see above](#)).
- 4.16 The Chair will confirm their decision in writing, within three working days. This letter will also confirm the employee's right to appeal if they remain dissatisfied with the outcome.

Grievance appeal

- 4.17 If the employee remains dissatisfied with the outcome of the grievance meeting, they can appeal in writing to the manager who conducted the initial grievance meeting, within five working days of receiving the written outcome. They should clearly state the grounds of the appeal, i.e. the basis on which they say that the result of the grievance was wrong or that the action taken as a result was inappropriate.
- 4.18 The chair of the appeal meeting should be more senior to the manager who heard the grievance and will have had no prior involvement. Normally this would be a Service Head or Director. The chair will be advised by an HR professional and a note taker will also be present.
- 4.19 The chair of the appeal meeting will make arrangements for a meeting to be convened as soon as reasonably practical. They will write to the employee confirming arrangements for the meeting, giving a minimum of five working days' notice,

including details of the date, time and location of the meeting and the employee's right to be accompanied by a trade union representative or work colleague.

- 4.20 The employee should ensure that they attend the meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they should inform the chair of the appeal meeting of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence.
- 4.21 The purpose of the appeal is to consider the grounds of appeal; this could for example be to determine if the previous decision was sound, to consider any new facts that have come to light since the meeting and/or to judge reasonableness of the process, such as the thoroughness of the investigation.
- 4.22 The decision at the appeal stage will be confirmed in writing to the employee within three working days of the meeting. It may also be appropriate to consider mediation at this stage ([see above](#)).
- 4.23 The outcome of the appeal is final. There is no further right of appeal.

5. Collective grievances

- 5.1 All colleagues raising a collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to deal with the concern as a collective grievance. All participating colleagues will be entitled to only one grievance meeting and (if applicable) one appeal meeting. All participating colleagues will be notified individually of the outcome at each stage of the process. If all the colleagues do not entirely voluntarily agree to this arrangement, or if their grievances are not identical, the Council will arrange to hear their grievances on an individual basis.
- 5.2 If the participating colleagues are all members of the same trade union, the trade union representative can (if all colleagues wish him or her to do so) raise the grievance on their behalf. Alternatively, the participating colleagues can agree to nominate one of them to act on behalf of everyone. If there is no one nominated representative, the participating colleagues will be entitled to address concerns individually at the grievance meeting, but they will have no additional right to be accompanied beyond having their participating colleagues present. If the colleagues wish to be represented by their trade union representatives on an individual basis, the Council will arrange to hear their grievances individually.
- 5.3 When submitting a collective grievance, the written complaint should be headed "Formal collective grievance". Guidance for employees on what to include in a collective grievance letter is available on the intranet. The grievance can be submitted on one document, but it must:
- identify each colleague who wishes to raise the grievance;
 - identify any nominated trade union representative or colleague who represents everyone;
 - confirm that all employees have voluntarily consented to have the grievance considered collectively; and

- confirm that everyone understands that the grievance will give each colleague the right to only one collective grievance meeting, one identical outcome and (if applicable), one appeal meeting and one identical appeal outcome.

5.4 The grievance meeting and the grievance appeal meeting (if there is one) will be conducted in the same way as for an individual grievance meeting, with the exception of arrangements for representation (as detailed in paragraph 5.2).

6. Data protection and retention of employee records

6.1 The Council processes personal data collected during informal complaints and the formal Grievance Policy in accordance with its data protection policy. Such data is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the Grievance Policy. It will be held on an individual's personal record file which is retained for seven years after their data of leaving the Council. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council's [Disciplinary Policy](#).