

Grievance Policy

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Additional Guidance

- [Guidance for employees on what to include on the Grievance Form](#)

(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 is committed to its aim of 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. The Council's objective is to ensure matters will be resolved fairly and without undue delay, whether informally or formally.
- 1.2. Grievances may be concerned with a wide range of issues including, but not limited to, allocation of work, working environment/ conditions, opportunities that have been given for career development or the way in which an employee has been managed.
- 1.3. Line managers should respond to issues raised in a timely way. In many cases grievances can be resolved informally by the manager and individual concerned.
- 1.4. The Council encourages all parties involved in a grievance to look proactively for a positive resolution and way forward.
- 1.5. It has been agreed with the Joint Trade Unions that this policy is the most effective means of resolving a grievance or collective dispute.
- 1.6. One of the Council's objectives is that no employee will be made to feel disadvantaged because they have raised or pursued a grievance in good faith.
- 1.7. Grievances should not be raised vexatiously or without reasonable grounds for concern. If, having investigated, the grievance is vexatious and without any proper grounds for concern, the Council may decide that it is appropriate to consider action under the Disciplinary Policy in relation to the employee who raised the grievance.
- 1.8. If two or more employees have identical grievances and wish them to be managed together in the same grievance process, they can raise a collective grievance. Collective grievances (apart from bullying and harassment) will be dealt with under section 5 of this policy.
- 1.9. Formal action under this policy will be taken where HR considers informal action is inappropriate or it is not possible to resolve issues informally or through mediation. HR will speak to the member of staff and TU if further clarification is needed to deal with the issue appropriately.
- 1.10. This policy applies to all employees of Reading Borough Council, including those on permanent, temporary, full-time, part-time or fixed-term contracts, job sharers, and those on non-standard terms of employment, with the exception of those below.
- 1.11. This policy does not apply to the following officers who are subject to other terms and conditions and reference to the constitution:
 - the Head of Paid Service, for whom the provisions of the JNC for Local Authority Chief Officers Conditions of Service Handbook would apply.

- agency workers.
 - staff employed by schools for whom separate procedures may apply.
- 1.12. The Council may choose on a case-by-case basis to investigate concerns raised by former employees but is under no obligation to do so.
- 1.13. Where an employee raises a grievance after notice of termination of employment has been given (whether by the employee or the Council) HR will discuss and agree whether the grievance will be dealt with formally or informally and will inform the individual and the service of the decision and any next steps.
- 1.14. Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under this policy, unless it relates to a failure to engage in effective and meaningful collective negotiation or consultation.
- 1.15. Where time limits are referred to in this policy, they may need to be extended, depending on the circumstances, due to the Council's operational requirements or the absence of any relevant individuals. The employee will be kept informed of any extensions to time limits.
- 1.16. Where necessary, if employees do not have internet access, managers will ensure employees are informed where hard copies of this policy are kept in their workplace for reference without having to ask anyone for a copy.
- 1.17. The Council reserves the right to amend, remove or replace this policy at any time after effective and meaningful consultation with Joint Trade Unions.

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 processes. This policy will not apply where it is not appropriate, or where there is an alternative mechanism for concern(s) to be addressed, which includes but is not limited to:
- Job Evaluation Appeals
 - Recruitment decisions
 - Expiry of fixed term contracts
 - Disciplinary, capability and poor performance processes
 - Application of pension scheme rules
 - Passing probation or concerns raised by managers during probation
 - Service restructures resulting in redundancy
 - Consultation arising from the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
 - Day-to-day reasonable routine line management including appraisals.
- 2.2 The Bullying and Harassment Policy allows for a complaint of bullying or harassment (which is not being dealt with informally) to be managed formally as a 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. Any concern(s) relating to bullying or harassment should be submitted to HR on the Bullying and Harassment Form.

- 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 decision for HR. 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 or management action about alleged misconduct, underperformance, or capability may be handled in different ways, depending on when it is raised and what it concerns.

HR will decide whether:

- to appoint an independent investigator (whether internal or external) to investigate the grievance as a part of a separate process alongside the other disciplinary/ poor performance/ sickness absence process; or
 - to pause the disciplinary/ poor performance/ sickness absence process while the grievance is investigated and, if necessary, heard first.
- 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. The status quo will not apply where there would be a detrimental impact on service provision or where there are overriding statutory obligations.
- 2.6 The Council recognises that a grievance process can be stressful and upsetting for everyone involved. All employees are entitled to be treated respectfully. Both the employee raising the grievance and those facing the alleged grievance will be kept regularly up to date on progression. The investigator or HR, where appropriate, will provide details of local trade union representatives and support services available.

3. Informal resolution and mediation

- 3.1 All employees are encouraged to discuss their concerns at the earliest opportunity with their line manager or, where they are a member of a trade union, with their trade union representative.
- 3.2 The Council encourages informal resolution of grievances wherever possible and appropriate. Informal resolution is often the quickest and least disruptive way to address concerns and can help restore working relationships without the need for a formal process. This may include, for example, a facilitated conversation, clarification of expectations, an agreed way forward, mediation (where suitable), or practical steps to resolve the issue. Informal resolution will not prevent an employee from raising a formal grievance where this is needed and may not be appropriate where the concerns are serious, involve allegations of misconduct (including

bullying, harassment or discrimination), or where an informal approach has already been attempted without success.

- 3.3 Any informal outcome should be confirmed in writing where appropriate, so that expectations and next steps are clear to everyone.

3.4. Mediation

Mediation is one possible way of resolving workplace concerns and may be offered at any stage of this procedure, including as part of informal resolution, during a formal grievance process, or as an outcome following a formal process where relationships would benefit from rebuilding. Mediation is a voluntary and confidential process in which an accredited or suitably trained mediator supports two or more individuals to explore issues, improve understanding, and seek to reach an agreed way forward. Any agreement is made by the individuals involved; the mediator does not make findings, determine who is right or wrong, or impose outcomes. The mediator's role is to facilitate constructive dialogue and help the parties identify workable solutions.

3.5 Suitability and participation

Mediation will not be suitable in every situation and may not be appropriate where there are serious allegations, safeguarding concerns, significant power imbalances, or where either party does not feel able to participate. Participation is entirely voluntary. If any party declines mediation, or if mediation does not proceed or does not resolve the matter, this will not influence the consideration or outcome of the grievance, and the grievance process will continue without delay.

4. Formal action

- 4.1 The employee should submit their grievance on the Grievance Form to their line manager, copied to HR. If the grievance is about the employee's line manager, the form should be submitted to their 2nd line manager, copied to HR or to HR directly. HR will usually acknowledge receipt of the form within three working days. A copy of the form will not be provided to the person who is the subject of the grievance.
[Grievance Submission Form](#)
- 4.2 The form must be submitted within three calendar months of the date of the incident. The Council will not usually progress grievances raised after this time limit unless HR decides that it was not feasible for the employee to submit the grievance earlier. Historic cases of sexual harassment may be an example of where this time limit may be extended and the Bullying and Harassment Policy and Whistleblowing Policy provides more information.
- 4.3 The form will provide 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, focusing on the facts and avoiding language that could be interpreted as offensive or inappropriate. If the form does not provide all the relevant

information, it may be necessary to seek further clarification from the employee before any meeting takes place. Guidance for employees on what to include on the form is available on the intranet.

4.4 When an employee submits a grievance in writing, the following steps will be taken:

- Impartial Investigator appointed by HR
- Investigation carried out – gather evidence and speak to those involved.
- Grievance meeting held to discuss the issues raised.
- Decision made and outcome letter issued.
- Appeal process offered if the employee is unhappy with the outcome.

4.5 Before inviting the employee to a grievance meeting, it may be necessary to carry out an investigation of the allegations made. Wherever possible, the confidentiality of the grievance process will be respected although the person who is the subject of the complaint will be provided with appropriate information to allow them to respond to the complaint either during the investigation meeting or before any investigation meeting. If information is gathered during the investigation, the employee will usually be given the relevant information at least five working days before the meeting so that they can consider their response. In some circumstances, the information 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 information gathered will be provided to them.

4.6 Normally HR will designate a manager from within the employee's service area to investigate the grievance and to chair the grievance meeting (Chair). The nature of the grievance will determine the most appropriate way to establish the facts. It may be necessary for HR to appoint an investigator and/or Chair from another service area or in exceptional circumstances engage an external investigator to manage very sensitive, confidential or highly complex matters.

4.7 The right to be accompanied

4.7.1 Employees who have raised a grievance have a statutory right to be accompanied to a grievance meeting. The companion may be a workplace colleague or a trade union representative/ official. The employee must tell the Chair whom they have chosen as their companion at least five working days before the grievance meeting.

4.7.2 Reasonable adjustments may be needed for an employee with a disability (and for their companion as necessary), for example, the provision of a support worker or advocate with knowledge of the disability and its effect. This is in addition to the right to be accompanied by a companion. HR will arrange for any previously agreed reasonable adjustments, as relevant, to be put in place for the meeting. Otherwise, it is the employee's responsibility to request any additional reasonable adjustments relevant to this section and, if agreed, to arrange for them to be implemented in consultation with HR.

4.7.3 The Council considers it good practice to allow the companion to participate as fully as possible in the meeting. However, the companion is not allowed to answer

questions put to the employee on the employee's behalf or to address the meeting if the employee does not wish it. The companion should not have any conflicts of interest, and HR and the Trade Union Representative will manage this.

- 4.7.4 If the employee is not accompanied, the Chair will check at the start of the grievance meeting that the employee understands that they have the right to be. If they decline to be accompanied, a note will be made to that effect.
- 4.7.5 The employee and their companion should make every effort to attend the grievance meeting. Where the employee is unable to attend the grievance meeting and provides a good reason for this, the meeting will be rescheduled to another day (within 5 working days of the original meeting date). Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged meeting it will take place in the employee's absence. The employee's companion may attend and in exceptional circumstances will have the opportunity to make representations on behalf of the employee in their absence. The employee may also make written representations provided these are received prior to the start of the meeting.
- 4.7.6 Where the companion is not available to attend the grievance meeting, it will be rescheduled provided the employee requests the meeting be rearranged giving an alternative time which is reasonable and within five working days of the original date. If a reasonable alternative date is proposed by the employee, it will not be unreasonably refused. The employee should agree a convenient date with their Trade Union Representative, if any, in the first instance. The meeting will only be rescheduled for the unavailability of the companion once. If the companion is subsequently unable to attend the rearranged meeting, the Chair can choose to proceed with the meeting on that day. The employee can choose an alternative companion provided that the companion is available to attend the rescheduled meeting.
- 4.7.7 Employees responding to a grievance against them will be able to bring a workplace colleague or a trade union representative/ official to an investigatory meeting providing that they confirm to the chair who they have chosen at least five working days in advance and, if invited, to a formal grievance meeting. They will be provided with an outline of the allegation(s) against them in advance of the investigatory meeting.
- 4.7.8 Reasonable adjustments may be needed for an employee with a disability (and for their companion as necessary), for example, the provision of a support worker or advocate with knowledge of the disability and its effect. This is in addition to the right to be accompanied by a companion. HR will arrange for any previously agreed reasonable adjustments, as relevant, to be put in place for the meeting. Otherwise, it is the employee's responsibility to request any additional reasonable adjustments relevant to this section and, if agreed, to arrange for them to be implemented in consultation with HR.
- 4.7.3 The Council considers it good practice to allow the companion to participate as fully as possible in the meeting. However, the companion is not allowed to answer questions put to the employee on the employee's behalf or to address the meeting if

the employee does not wish it. The companion should not have any conflicts of interest, and HR and the Trade Union Representative will manage this.

- 4.7.4 If the employee is not accompanied, the Chair will check at the start of the grievance meeting that the employee understands that they have the right to be. If they decline to be accompanied, a note will be made to that effect.

4.8 The grievance meeting

- 4.8.1 The meeting will be held as soon as is reasonably feasible by the Chair subject to any need to carry out 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 workplace colleague or a trade union representative/ official. The meeting will also be attended by an HR professional to advise on process and procedures.
- 4.8.2 The Chair will arrange for an impartial colleague to take notes at the grievance meeting. If it is intended that the meeting will be recorded (with any video recording and AI assistance switched off) to provide a transcript to assist the notetaker, the Chair will check that all the individuals attending the meeting consent to the recording before the recording is started. The Chair should also check that any individual joining the meeting after the meeting has started consents to the recording. If any person objects to being recorded at any point in the meeting, the meeting will not be recorded. The Chair should also ensure at the start of the meeting that the employee, the notetaker and any witnesses are aware that any breaches of confidentiality regarding the investigation could lead to disciplinary action. This should be captured in the notes.
- 4.8.3 The intention of the grievance meeting is that it should be an opportunity for discussion and dialogue, with the objective of seeking to understand the nature of the grievance fully and to identify the outcome and solutions sought by the employee raising their concerns.
- 4.8.4 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 and reasonable after taking account of each individual's circumstances. The Chair 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.
- 4.8.5 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 grievance/s. The Chair will intervene if they think that the discussion is straying too far from the key issue(s), or to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the issues raised.

4.8.6 After the grievance meeting:

- The notetaker will review the notes (and transcript if needed) and prepare a draft, usually within two working days.
- The notetaker will send draft notes the Chair and HR for approval.
- The Chair will send the notes to the employee, usually within five working days of the meeting.
- The employee will normally have three working days to suggest amendments.
- A final version of the notes will usually be sent to the employee within one week of receiving the suggested amendments (If the Chair and/or HR do not agree with any suggested amendments, these will be included in square brackets to show they are not agreed.)
- The Chair or HR will arrange for any recording and transcript to be deleted once the notes are finalised, using the transcript only to check accuracy.

Meetings will not be videoed (see guidance)

4.8.7 After due consideration, the Chair may dismiss, partially uphold or uphold the grievance or elements of the grievance. The Chair may also, if a breach of either the Code of Conduct or other policies by any party is indicated, decide to deal with the issue(s) under the Disciplinary Policy.

4.8.8 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, set out any proposed action(s) that will be taken. The Chair will also consider if mediation may be appropriate at this stage and define this as part of their outcome.

4.8.9 The Chair will confirm their decision in writing usually within five working days after they have concluded their investigations and meetings. Where the grievance refers to several issues or alleged incident(s), it may take longer for the Chair to confirm their decision. If any outcome letter is not provided to the employee within two weeks of the last grievance meeting, the employee, or at the employee's request, their companion will be provided with an update as to the likely timeframe for receipt of the outcome letter. The outcome letter will also confirm the employee's right of appeal if the grievance is not upheld. The outcome will not be unreasonably delayed. An update will also be provided to the individual the grievance is made against to similar timescales. The wellbeing of all individuals should always be taken into consideration and appropriate actions taken. The individual against whom the grievance was made will be informed to similar timescales.

4.9 Grievance appeal

4.9.1 If the employee believes that the correct process wasn't followed, or there is new evidence to present or the decision was unfair/biased/unreasonable based on fact, they can appeal in writing to the Chair within five working days of receiving the written outcome. They should state clearly the grounds of the appeal, i.e. the basis on which they believe the outcome of the grievance was wrong, such as failure to

follow process, where new information has become available or that the actions taken failed to consider all evidence and fact presented.

- 4.9.2 The chair of the appeal meeting (Appeal Chair) will have had no prior involvement in the grievance and may be more senior to the manager who heard the grievance, but not in all circumstances depending on the situation and availability of individuals. Normally this would be a Service Head or Director from the same or different directorate. The Appeal Chair will be advised by an HR professional.
- 4.9.3 The Appeal Chair should choose an impartial colleague (with no prior involvement in the matter) to take notes at the appeal meeting. The process for dealing with the notes and any recording is set out above in paragraphs 4.7.2 & 6. The Appeal Chair should also ensure that the employee, the notetaker and any witnesses are aware that any breaches of confidentiality could lead to disciplinary action.
- 4.9.4 The Appeal Chair will make arrangements for a meeting to be convened as soon as possible. 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 workplace colleague or a trade union representative/official.
- 4.9.5 The employee and their companion should make every effort to attend the appeal meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they should inform the Appeal Chair as soon as possible. If the employee fails to attend a grievance appeal meeting a second time without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence. The employee's companion may attend and will have the opportunity to make representations on behalf of the employee in their absence. The employee may also make written representations provided these are received prior to the start of the meeting.
- 4.9.6 Where the companion is not available to attend the meeting, it will be rescheduled provided the employee requests the meeting be rearranged giving an alternative time which is reasonable and within five working days of the original date. If a reasonable alternative date is proposed by the employee, it will not be unreasonably refused. The meeting will only be rescheduled for the unavailability of the companion once.
- 4.9.7 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 the reasonableness of the process, such as the thoroughness of the investigation.
- 4.9.8 The decision at the appeal stage will be confirmed in writing to the employee usually within five working days of the meeting. Where there are several grounds of appeal, it may take longer for the Appeal Chair to confirm their decision. If any appeal outcome letter is not provided to the employee within two weeks of the appeal meeting, the employee, or at the employee's request, their companion will be provided with an update as to the likely timeframe for receipt of the appeal outcome

letter. It may also be appropriate to consider mediation at this stage. The individual against whom the grievance is made will be informed to similar timescales.

4.9.9 The outcome of the appeal is final and 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 the steps in this policy only. 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 them 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 representative(s) on an individual basis, the Council will arrange to hear their grievances individually.

5.3 When submitting a collective grievance on the Collective Grievance Form, the names of all employees submitting the complaint should be provided. [Guidance for employees on what to include on a Collective Grievance Form](#) is available on the intranet. Other information to be included is:

- the identity of any nominated trade union representative or workplace colleague who represents everyone.
- confirmation that all named employees have voluntarily consented to have the grievance considered collectively.
- confirmation that everyone understands that the collective 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 collective grievance meeting and the collective 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 a nominated representative as set out in paragraph 5.2.

6. Data protection and retention of employee records

6.1 The Council processes personal data collected under this Grievance Policy (whether during the informal or formal stage) in accordance with its data protection policy. Such data is held securely and accessed by, and disclosed to, individuals for the purpose of the Grievance Policy or for HR and management reasons. Outcomes

will be held on an individual's personal record file which is retained for seven years after their date 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 matter which will be dealt with under the Disciplinary Policy.

- 6.2 The Council may have to disclose personal data under this policy to third parties, as appropriate, including but not limited to the police, regulatory bodies and on any TUPE transfer.

GRIEVANCE POLICY

Agreed between the Council and the recognised trade unions.

Signed:

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Miriam Palfrey

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Kieran Magee

Joint Shop Stewards Committee
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