

# Grievance Policy

July 2018  
(Draft for Discussion)



[www.reading.gov.uk](http://www.reading.gov.uk)



**Reading**  
Borough Council  
Working better with you

<b>Document History</b>	
Version	1.3 (see below)
Status	Draft for discussion
Date	July 2018
Target audience	All employees of Reading Borough Council with the exception Schools-based staff
Ratification	None
Author	Employment Services Team

<b>Version control</b>	<b>Reviewers</b>
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

# Table of Contents

1. Objectives and scope ..... 3

2. Relationship to other Council procedures ..... 3

3. Informal resolution and mediation..... 4

4. Formal Action ..... 4

    4.1 The right to be accompanied ..... 5

    4.2 The grievance meeting ..... 5

    4.3 Grievance appeal..... 6

5. Collectives grievances.....7

References..... 8

## 1. Objectives and scope

- 1.1 Reading Borough Council (the 'Council') is committed to providing a working environment where everyone is treated with fairness, 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 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. 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. The Council encourages all the parties to a grievance to look proactively for a positive resolution.
- 1.3 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.
- 1.4 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.
- 1.5 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, with the exception of the Chief Executive, where the provisions of the JNC for Local Authority Chief Executives Conditions of Service Handbook would apply. Nor does it apply to agency workers or interims. There is no requirement to consider grievances raised by former employees. However, the Council may choose to investigate these on a case by case basis.
- 1.6 Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under the Grievance Policy.

## 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 Procedure.
- 2.3 The Council has a Whistle-blowing 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 Whistle-blowing Policy may more appropriately be dealt with as a grievance (and potentially vice versa). Whether allegations are more appropriately dealt with under the Whistle-blowing or Grievance Policy is a management decision. There is no right of appeal against that decision.
- 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.

### **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.
- 3.2 Formal grievances by their nature, involve two parties presenting alternative and conflicting perceptions and potential resolutions. This can result in an unsatisfactory outcome(s) for one or both parties and leave unresolved relationship issues which can continue to be problematic, for not just the parties concerned but their teams and colleagues as well.
- 3.3 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 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.
- 3.4 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.

### **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.
- 4.3 The written grievance will form the basis of the subsequent hearing 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.
- 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.

### **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.
- 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 hearing 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 manager designated to chair the grievance meeting (“the Chair”) will investigate the matter promptly. 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 hearing in writing, and the letter will include the date, time and location of the meeting. 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. 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. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene 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).
- 4.15 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

- 4.16 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.

- 4.17 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.
- 4.18 The chair will make arrangements for a meeting to be convened as soon as reasonably practical. They will write to the employee confirming arrangements for the hearing, giving a minimum of five working days' notice, including details of the date, time and location of the hearing and the employee's right to be accompanied by a trade union representative or work colleague.
- 4.19 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 manager hearing the appeal 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 hearing may take place in their absence.
- 4.20 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.
- 4.21 The decision at the appeal stage will be confirmed in writing to the employee within three working days of the hearing. It may also be appropriate to consider mediation at this stage (see above).
- 4.22 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 hearing and (if applicable) one appeal hearing. 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 hearing, 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". 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).

## References

ACAS - Code of Practice on Disciplinary and Grievance Procedures

<http://www.acas.org.uk/media/pdf/f/m/Acas-Code-of-Practice-1-on-disciplinary-and-grievance-procedures.pdf>

ACAS - Disciplinary and Grievance at work

<http://www.acas.org.uk/media/pdf/9/g/Discipline-and-grievances-Acas-guide.pdf>

ACAS and CIPD Joint Guide - **Mediation: an approach to resolving workplace issues**

[https://www.cipd.co.uk/Images/mediation-an-approach-to-resolving-workplace-issues\\_2013\\_tcm18-10808.pdf](https://www.cipd.co.uk/Images/mediation-an-approach-to-resolving-workplace-issues_2013_tcm18-10808.pdf)