

Grievance Policy Practice Notes

1. Introduction

The grievance policy provides a framework, outlining how an employee may raise a concern, regarding any aspect of their employment and seek a resolution within a reasonable timeframe.

The effective handling of staff concerns contributes to the maintenance of good employee relations. The aim of the grievance policy is to avoid minor issues turning into major disputes.

These practice notes are based on the assumption that the policy will be better able to achieve its ends if the associated process has clear identifiable steps and if everyone involved in the process understands their roles and responsibilities. The Grievance Policy Practice Notes should be read in conjunction with the policy.

2. Scope

The policy applies to all Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under local management of schools, which have their own procedure.

3. Grievances

A grievance is a concern, problem or complaint raised by an individual member of staff, or group of individuals, with management. The Council recognises that anyone may, at some time or other, have problems or concerns with their working conditions or relationships with colleagues that they wish to raise. The aim of the grievance policy is to deal with these issues in a prompt, equitable and amicable manner.

A grievance is not appropriate if it is raised in direct response to the application of another procedure or where it can be raised under another procedure, e.g. an appeal against a disciplinary sanction.

No individual shall suffer any disadvantage, damage, harm or loss by raising, supporting or giving evidence of a grievance under this procedure. This may constitute unlawful victimisation.

The procedure must not be used maliciously, frivolously or in bad faith. Any misuse of the procedure may lead to disciplinary action.

4. Links to Other Policies

Instances of colleagues not being treated with dignity and respect may be more appropriately dealt with under our Bullying and Harassment policy.

Instances of serious concerns, including miscarriages of justice, not complying with legal requirements; and criminal activity may be more appropriately dealt with under our Whistleblowing policy.

5. Confidentiality

The grievance procedure is a confidential process and those participating in it must not disclose the nature of the complaint or the outcome to any person who is not a party to the process except when seeking technical advice from Legal or Human Resources.

If a disclosure is made that is in any way malicious or inappropriate to the circumstances of the issue, this may lead to disciplinary action under **the Council's Disciplinary Policy**.

6. Informal Steps

Early intervention is essential to the maintenance of good working relationships and every effort must be made to settle grievances using informal measures. A quiet word is often all that is required to resolve an issue.

In the first instance, therefore it is expected that the individual, or group of individuals, should attempt to resolve their concern informally by discussing the matter with their line manager.

Disputes between employees should normally be dealt with informally using mediation where appropriate.

Formal grievances may be dismissed in favour of informal steps if, in the view of the line manager or investigator, this would lead to a swifter resolution of the matter.

7. Formal Steps

Individuals are encouraged to resolve matters using informal steps wherever possible, however, where the matter cannot be resolved informally, for any reason, individuals, or groups of individuals, should pursue the grievance using the formal process.

An individual, or group of individuals, may commence the formal step of the process by completing the Grievance Submission Form shown in Appendix A. The completed form should be sent **to the individual's line manager** (or their manager if the line manager is the subject of the grievance) and a copy sent to Human Resources. Upon receipt of the form

the line manager will normally acknowledge its receipt within 5 working days and normally arrange to meet with the individual and their representative where applicable, within 10 working days in order to discuss the grievance and possible resolutions.

The line manager will take responsibility for investigating the formal grievance and will produce a written report, either directly or through an investigator if this is more appropriate. Either way a report with a recommendation for resolution will normally be produced within 28 calendar days. If a written response cannot be delivered within the normal deadline, the line manager should agree a revised deadline with the individual or their representative if appropriate.

The initiation of the formal step of the process does not preclude an informally agreed resolution.

8. Appeals

An individual may appeal against formal recommendations to resolve the grievance.

The appeal should be in writing and sent to Human Resources within 10 working days of the date of the formal recommendation. The appeal should contain the reasons why the individual, or group of individuals, is dissatisfied with the formal recommendation for resolution.

A panel of two senior managers (the reviewing officers), one from Human Resources and **one from outside the individual's own directorate, will convene to consider the appeal and reach a decision.** Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance. The outcome of the appeal will be communicated to the employee in writing and without unreasonable delay.

9. The Role of the Individual

Employees have the right to raise concerns relating to their employment.

Where a grievance is raised by a group of individuals then the group should nominate one or more individuals to represent the group in addition to a trade union representative if applicable.

It is the responsibility of any individual employee, or group of individuals, to raise any concern they have with their line manager in the first instance and endeavour to resolve their issue informally.

If the grievance cannot be resolved satisfactorily using informal measures then it is the responsibility of the individual to raise the matter formally by completing the Grievance Submission Form shown in Appendix A and sending it to their line manager and a copy to Human Resources.

It is the responsibility of the individual to attend any subsequent meeting with their line manager, and representative if applicable, to discuss the grievance and possible resolutions.

An individual, or group of individuals, may withdraw a grievance at any time and at any point in the process.

10. The Role of the Line Manager

The line manager has a special place in the implementation of the policy in considering, understanding and resolving grievances promptly, equitably and amicably.

For the purposes of these practice notes the individual's line manager is reckoned to be the manager who has hiring and staff development responsibilities for the area. A team leader or supervisor may not have sufficient authority to make the necessary changes to ensure the grievance is resolved satisfactorily.

Line managers need to satisfy themselves that an individual's concern is a grievance and would not be more appropriately dealt with under another policy, e.g. Whistleblowing.

The line manager has a duty to resolve a grievance using informal steps wherever possible and can recommend mediation at any point in the process if appropriate.

Should a grievance enter the formal step of the process this will be signalled by the receipt of a Grievance Submission Form by the line manager and Human Resources. The line manager should normally acknowledge receipt of the form within 5 working days. At this point the line manager may decline the grievance on any of the grounds indicated elsewhere in these practice notes and should inform Human Resources accordingly. Line managers should take advice from Human Resources before declining a grievance.

If the line manager accepts the grievance they should arrange a meeting with the individual, and their representative if applicable, to discuss the grievance and possible resolution, normally within 10 working days of the receipt of the form.

After the meeting, the line manager may decide that a full investigation is the most appropriate response and may commission such a report after consultation with Human Resources.

A line manager may decline to accept an issue as a grievance if it clearly relates to a previous case in the preceding six months, providing that the first case was dealt with in a proper manner in accordance with the procedure. Line managers should take advice from Human Resources before declining a grievance.

It is the responsibility of the line manager to record any actions agreed informally and distribute those to everyone involved.

The line manager is responsible for notifying Human Resources of all instances of formal grievances.

The line manager should have regular contact with the investigating officer and the employee to ensure progress is being made and that they receive updates on the investigation.

11. The Role of the Staff Representative

Individual employees, or groups of individuals, are entitled to ask a trade union official or work colleague to represent them at any point in the process. **The employee's chosen companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting.** The companion does not, however, have the **right to answer questions on the employee's behalf, address the meeting** if the employee does not wish it or prevent the council from explaining their case.

12. The Role of Human Resources

The primary role of Human Resources will be to provide appropriate advice and guidance regarding the operation of the grievance policy to line managers and others.

Human Resources are responsible for recording and monitoring formal grievances and to co-ordinate responses to appeals to the formal recommendation for resolution.

Human Resources are responsible for maintaining a pool of suitably trained investigators, mediators and panel members. In addition, newly appointed line managers will be trained in the grievance procedure as part of their induction /probation. Existing managers will be trained on the new grievance procedure.

It is the responsibility of Human Resources to ensure that all the documentation regarding the grievance policy and procedure is accurate and up to date.

Should any Human Resources officer encounter a situation which may be construed as a grievance within the meaning of the policy, then that officer has a duty to advise the individual or individuals concerned to pursue the matter using the Grievance Policy.

13. The Role of the Investigator

Where a grievance moves to the formal step of the process, then either the line manager or Human Resources may appoint someone to conduct an investigation, in order to arrive at an early resolution.

The investigator is an impartial officer who will determine the approach of the investigation based on the evidence provided.

It is the investigator's responsibility to keep accurate records of all meetings, conversations and queries from line managers, individuals and their representatives.

It is the investigator's responsibility to have regular contact with the Head of Service and the employee ensuring progress and updates are provided on a regular basis.

It is the responsibility of the investigator to produce a report, which would include a recommendation for resolution, to the agreed deadline.

Human Resources maintain a pool of trained investigators. This pool is reviewed from time to time to ensure there is a sufficient bank of suitable officers, that their investigative workload is reasonable and that there are opportunities for learning, sharing and supporting from within the group.

14. Mediation and the Role of the Mediator

Mediation is not a mandatory part of the process and therefore requires the agreement of all parties.

At its simplest a mediator may be any colleague who is acceptable to all parties, however, the Council has access to a team of independent professional mediators who are available to assist line managers and investigators reach a resolution.

It is the role of the mediator to meet with all parties involved in order to discuss the issues and facilitate resolutions. Normally the focus of mediation will be to maintain good working relationships going forward and not the apportionment of blame.

The opportunity to resolve a grievance through mediation can be considered at any point in the process.

Appendix A – Grievance Submission Form

Contact Details			
Name		Service / Dept.	
Job Title		Contact Tel. No.	

Line Manager		Union Rep.	
Nature of the grievance			
Have you raised your concern informally with your line manager?			
Yes / No. If no please explain why not, if yes please give a summary of the outcome of the informal steps.			
Would you consider mediation to reach a resolution?			
Yes / No. If no please explain why not.			
What is the outcome you are seeking to resolve this issue?			
Please outline your grievance being as specific as you can about dates, times, events, witnesses and any other background information.			
<i>Please continue on a separate sheet if necessary.</i>			
Please list and attach any documentary evidence.			
Please list the names of colleagues who will support your case.			
Sign.		Date	

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