



# Grievance Policy

Human Resources  
April 2009  
Issue 2

## **1 Introduction & Purpose**

- 1.1 Occasionally employees experience problems or concerns with their work, working environment or working relationships, that they wish to raise and try to resolve. The purpose of this grievance procedure is to provide Stafford Borough Council with a robust mechanism to deal with these issues quickly, consistently and fairly.
- 1.2 It is not possible to provide an exhaustive list of the types of concerns from which a grievance could arise though the list below provides some of the more common reasons:
- terms and conditions of employment
  - health and safety
  - relationships at work
  - new working practices
  - organisational change
  - equal opportunities
  - working environment

## **2 Scope**

- 2.1 Forming part of both the Local and National contracts of employment, this procedure applies to all employees within Stafford Borough Council with the exception of Chief Officers who are subject to the procedures of the Joint National Council.
- 2.2 The Employment Act 2002 (Dispute Resolution) Regulations 2004, gave new rights to employees in the event that a grievance is raised, and ACAS have compiled a new code of practice. Issued under Section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992, the Code came into effect from 6<sup>th</sup> April 2009 and replaces the Code issued in 2004.
- 2.3 Stafford Borough Council expects that grievances will be raised as soon as practically possible after the occurrence that led to the grievance, and without unreasonable delay (i.e. normally within 20 working days).
- 2.4 The Council also has a Code of Conduct that provides expected standards of behaviour and practical guidance for employees during day-to-day work activities.
- 2.5 On rare occasions an allegation may be of a malicious nature, disciplinary action may be instigated in these circumstances.

## **3 Exclusions**

- 3.1 Matters that are excluded from being dealt with under this procedure:
- raising a grievance that was heard under this procedure within the preceding six months
  - matters over which Stafford Borough Council has no control, e.g Health & Safety legislation

- salary and grading applications
- grievances that are the subject of, or appropriate to a collective dispute, which will be handled separately through discussion with the union
- if the employee raises a concern as a “protected disclosure” in compliance with the public interest disclosure provisions of the 1996 Act, “whistle-blowing” policy.
- allegations of bullying, discrimination or harassment on the basis of sex, race or disability, age, membership or non-membership of a trade union, HIV status, sexual orientation or personal beliefs. Any concerns in this area should be raised separately under the Stafford Borough Council Harassment and Bullying Policy
- if Stafford Borough Council has reasonable grounds to believe that pursuing the grievance will expose a member of staff to a significant threat

## **4 Procedure**

### **4.1 Informal Discussion**

- 4.1.1 If possible, in the first instance the employee should try and resolve the concern or issue informally through their line manager. However, if this is not possible because the grievance is with the line manager, then the employee should approach the line manager’s manager instead or a member of Human Resources. The manager approached will discuss your concerns in confidence, make discreet investigations, and attempt to resolve the matter. Dealing with grievances in this way can often lead to the quickest and most effective resolution. Both the manager and employee may find it helpful to keep a note of this discussion.

A Trade Union can also be called upon in these instances to help to resolve the matter at this stage.

### **4.2 Formal Procedure: Stage 1**

(Let the Employer Know the Nature of the Grievance (ACAS))

#### ***The Grievance Statement***

- 4.2.1 If the issue continues, or it is not appropriate to resolve informally, the employee should raise the concern through the formal grievance procedure by placing their grievance in writing on the Grievance form (GR1) without unreasonable delay. This written grievance should be given to the employee’s immediate line manager, with a copy also provided to the HR Manager. This form (GR1) is designed to enable the employee to set out the nature of their grievance and to avoid any delays in the process, it is important to complete the GR1 form in full.
- 4.2.2 In the circumstances where the employee’s complaint is against their immediate line manager, the employee should provide the written grievance (GR1 form) to the manager of their line manager instead. Again, a copy should also be provided to the HR Manager.
- 4.2.3 Should an employee require support in compiling the grievance statement, the employee may wish to seek support from a work colleague, Trade Union Representative or other employee representative on a confidential basis.

- 4.2.4 If due to disability or special circumstances an employee is not able to place his/her grievance in writing on the Grievance form, he/she should raise this immediately with his/her manager or a member of the HR Team.
- 4.2.5 If the employee is a member of the Trade Union, he/she should contact their local representative at this stage, if they have not already done so.

### ***The Grievance Meeting***

- 4.2.6 As soon as practically possible or within 10 working days of the manager receiving the written grievance, the employee will be invited to a grievance meeting.
- 4.2.7 The employee has a legal right to bring along a companion to this meeting, and any further such meetings (see section 6 - Right to be Accompanied below). This companion can be either a local trade union representative and/or a work colleague.
- 4.2.8 Both the employee and management involved will have an opportunity to present their case at the meeting. Both parties should also consider options for resolving the grievance.
- 4.2.9 The Grievance Panel will consist of the employee's line manager (as appropriate), and a member of the HR Team not previously involved in any aspect of the issue raised.

### ***After the Grievance Meeting***

(Decide on Appropriate Action (ACAS))

- 4.2.10 Once the grievance meeting has been concluded and a decision reached, the employee will be notified in writing of this decision as soon as practically possible or within 10 working days from the date the meeting was held.

## **4.3 Formal Procedure: Stage 2**

- 4.3.1 If the employee does not feel that the grievance was resolved at stage 1, the employee should raise the matter with a more senior manager, usually a Departmental Manager or Head of Service.
- 4.3.2 In the first instance, the employee should place the reasons why they do not believe their grievance has been resolved in writing, together with the original complaint (GR1 form), and pass to their Head of Service and HR Manager within 10 working days or as soon as practically possible of receiving the decision from Stage 1 of the process.
- 4.3.3 The Head of Service (or nominee) will investigate and arrange a grievance meeting to discuss the grievance as soon as practically possible or within 10 working days of receiving the written grievance.
- 4.3.4 Again, both the employee and management involved will have an opportunity to present their case to a Grievance panel.

### ***After the Grievance Meeting***

- 4.3.5 The senior manager (or nominee) will write to the employee in order to provide a response to the grievance as soon as practically possible or within 10 working days of the second grievance meeting.

## **5 Final Right of Appeal**

- 5.1 Where an employee feels that a grievance has not been satisfactorily resolved, the employee may appeal against this decision. If the employee wishes to appeal, he or she must inform the Head of Human Resources in writing within a reasonable time period; 10 working days is used as guidance, stating the reasons for the appeal and enclosing a copy of the original complaint.
- 5.2 The Head of Human Resources or appointed nominee, and an appropriate Head of Service will form the Appeals Panel.
- 5.3 The appeal meeting will be held within 10 working days following receipt of the appeal. Again, the employee has a right to be accompanied at this meeting.
- 5.4 Following the appeal meeting, the manager will provide the employee with a written decision as soon as practically possible or within 10 working days.
- 5.5 This is the final stage of the grievance procedure. The decision of the appeals manager is final.

## **6 Right to be Accompanied**

- 6.1 Under sections 10-15 of the Employment Relations Act employees have a statutory right to be accompanied at their reasonable request, by a '*companion*' throughout the process.
- 6.1.1 The term '*companion*' is defined as a trade union official or work colleague. However, if a employee (who is a member of a trade union) wishes to bring both a local trade union official and work colleague, this will be permitted provided that the work colleague attends all grievance meetings as a silent observer.
- 6.1.2 A reasonable request for a companion would not include a work colleague or trade union official who for example, had a conflict of interests or whose presence may prejudice the meeting. It would also be unreasonable for an employee to be asked to be accompanied by a companion from a geographically remote location if someone suitable and willing was available on site.
- 6.2 Where the employee's chosen companion(s) is/are not able to attend the date agreed for the grievance meeting, an alternative date should be proposed by the employee and will usually be within 5 days from the date the grievance meeting date was confirmed. As far as reasonably possible, the location and timing of any meeting will be both convenient to employee, companion(s) and the grievance panel.

- 6.3 The main role of the companion is to provide support to the employee. In addition, the main companion (trade union representative if two companions attend) will be able to confer with the employee, sum up the employees case, ask questions and participate fully in the meeting.
- 6.3.1 The companion does not have a statutory right to answer questions on the employee's behalf.

## **7 Timescales**

- 7.1 If it is not possible to hold the grievance meeting and respond within the set time frame, the employee will be given a response detailing the reason for the delay and when a response can be expected. This should usually be within an additional 5 working days.
- 7.2 There may be occasions when Stafford Borough Council and the employee agree that the time limits should be extended.

## **8 Overlapping Grievance and Disciplinary cases**

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both cases concurrently.

## **9 Records**

- 9.1 It is important to keep written records during each part of the grievance process. These records will include:
- the nature of the grievance raised
  - a copy of the written grievance
  - Stafford Borough Council's response
  - action taken
  - reasons for action taken
  - details of the appeal and the outcome reached
- 9.2 All records will be kept confidential, and retained in accordance with the Data Protection Act 1998.
- 9.3 Copies of any meeting records will be available to appropriate employees, unless there are exceptional and agreed circumstances where it is necessary to withhold information, for example, to protect a witness.

## **10 Former Employees**

- 10.1 Each employee leaving Stafford Borough Council, has the opportunity to raise any issue through the exit procedure questionnaire and/or exit interview. If the employee

feels unable to raise their grievance through this procedure, the expectation is that the employee will raise their grievance within three months of leaving Stafford Borough Council.

- 10.2 Such former employees should put their complaint in writing and send it to the Head of Human Resources within this time frame.

## **11 Review**

- 11.1 Stafford Borough Council reserves the right to periodically review this policy. Any amendment to the policy will be subject to consultation with the appropriate Unions.



**Stafford**  
BOROUGH COUNCIL

**Grievance Form (GR1)**

Employee Name:..... Service:.....

Manager's name:..... Date:.....

Details of Issue:.....

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.....  
.....

(Please continue on a separate continuation sheet if required)

Have you informally discussed this with your manager (or his/her supervisor)? Yes/No

Have you discussed the issue with anyone else? Yes/No

If yes, please state who the issue was discussed with and when:.....

.....  
.....

How do you think that this situation may be resolved? .....

.....  
.....  
.....  
.....

(Please continue on a separate continuation sheet if required)

Signed: ..... Dated: .....