

Grievance Policy

1 INTRODUCTION

- 1.1 This grievance procedure provides for the effective resolution of disputes. These guidance notes, outline the grievance procedure and provide staff and managers with detailed advice. This guide seeks to promote good industrial relations, as well as consistency and fairness for all employees.
- 1.2 In the first instance where possible, preference should be given to the informal approach in resolving grievances. This is where the supervisor or line manager and employee communicate under normal circumstances. It is recommended that notes from any informal meetings and the action taken be kept. A copy of the notes should be given to the employee and to HR. However, if the employee is unsatisfied with the response they may decide to proceed under the formal grievance procedure at any time.
- 1.3 The main objective of this guide is to settle grievances, fairly and speedily and as close as possible to the point of origin. However, it should be appreciated that some cases need time to be investigated fully.
- 1.4 Where existing informal procedures are working to the satisfaction of both parties they may be continued but any employee has the right to initiate the formal procedure.
- 1.5 At all stages of the procedure the Human Resources Team will provide, upon request, advice to the appropriate manager dealing with the grievance.
- 1.6 It is imperative that timescales within the procedure are followed, otherwise the employee may automatically proceed to the next stage. An exception to this is where the parties by mutual agreement modify the time limits set out in the procedure.
- 1.7 Counter Grievances shall not be heard until the first Grievance is concluded.
- 1.8 *Mischievous/ Malicious Grievances: Anyone found making Mischievous/ Malicious use of the grievance procedure will be subject to action as stated in the disciplinary procedure.*

2 SCOPE AND EXCLUSIONS

- 2.1 These procedures are intended to apply to all employees of the Council. However, exclusions from the grievance procedure include;
 - a) appeal rights under the Disciplinary Procedures

- b) Appeals against the salary grading of a post are dealt with under the Job Evaluation procedure; however a grievance regarding equal pay should be dealt with under this procedure. If there is any doubt, seek advice from your portfolio manager/ the Human Resources Team.
- c) Normally, grievances will be settled internally. Breckland reserve the right to call in third parties such as the Conciliation Arbitration Committee, in exceptional circumstances.

3 FORMAL GRIEVANCE PROCEDURE

- 3.1 Breckland Council is represented by Unison and the Employment Relations Act 1999 entitles staff to have the right to be accompanied by a Trade Union representative.
- 3.2 Employees can raise a formal grievance in writing using Appendix A format only. The procedures outlined below should be followed:

FIRST STAGE

- a) The employee's supervisor or line manager is usually the best person to deal with the immediate problem; consequently they usually act as the Presiding Officer of the grievance hearing. This requires impartiality and non-involvement with the previous events related to the grievance. Hence,
 - i) if the employee has already spoken informally to their line manager, then the next suitable manager should deal with the 1st stage of the formal grievance procedure. A representative of Human Resources should be consulted throughout the procedure.
 - ii) if a grievance is directed against a supervisor who would normally hear the case, the matter may be raised/dealt with by the next senior manager or an alternate manager from the council at the appropriate level.
 - iii) if for any reason the problem is outside the scope of the supervisor he/she will advise the employee of the name of the person who will hear the initial complaint.
- b) Upon receipt of notification of the formal grievance (Appendix A), the Presiding Officer should arrange a hearing in order to consider the matters raised and give the employee opportunity to explain their complaint and say how they think it should be settled. This should take place within 10 working days of receipt of the written grievance.
- c) The Presiding Officer concerned should write to the employee and the employee whom the grievance has been taken out against, if applicable, to inform them of the time and location of the meeting. The letter should also inform the employee of their 'right to be accompanied/represented' at the meeting by a recognised Trade Union Official or a colleague.

- d) Whenever possible the Presiding Officer concerned, will advise the employee of their response to the grievance on the day of the hearing. This will be followed up by written confirmation within 5 working days of the date of the hearing. If it is not possible to respond within 5 working days, the employee should be given an explanation for the delay.

4 THE GRIEVANCE HEARING

- 4.1 A formal record should be kept of the grievance meeting and signatures should be gained to confirm the content of the record.

4.2 Problems that may arise

It is obviously impossible to identify all the problems that may occur, but some of those that do so regularly are outlined here.

a) Right to Postpone a Hearing

The employee can offer an alternative time and date so long as it is reasonable and falls within five working days, beginning with the day after the originally proposed meeting. The revised time and location for the meeting must be convenient to all those due to attend.

b) Non Attendance at a Hearing

It is necessary to ascertain that the hearing; date, time and location were properly conveyed to the employee. If this has not been properly communicated the hearing should be rearranged. Where this has been properly communicated, the employee will be advised that if there is a further non-attendance, without suitable reason, the grievance procedure will continue without representation.

c) When Unforeseen Factors Come to Light

It sometimes happens that employees, or union representatives, introduce elements to the case that are totally unforeseen but are quite fundamental. These can relate to the facts themselves (e.g. an 'admission' by the employee who has had the grievance taken out against them) or to the procedures being used (e.g. that the Presiding Officer conducting the hearing should not do so). Employees are required to disclose all relevant information as early as possible – otherwise this may jeopardise proceedings.

d) Behaviour of the Employee's Representatives

The employee's representative has the right to address the hearing. However, they have no right to answer questions on the employee's behalf. If this occurs the representative should be informed that their behaviour is unacceptable. They should be warned that if it continues it will no longer be reasonable for them to act as a representative.

In exceptional circumstances it is the Presiding Officers decision to refer the matter direct to the senior managers' appeals panel.

5 APPEAL

- 5.1 If the employee is still not satisfied with the resolution, then he/she may use their right of appeal. Appeals must be registered within 5 working days of receipt of the letter confirming the resolution taken. Appeals must be lodged in writing with the Human Resources Manager. Employees have the right to be represented at the Appeal Hearing.
- 5.2 An appeal will be heard by a more senior manager's appeals panel.
- 5.3 You will be informed in writing of the date, time and place of the hearing. You must take all reasonable steps to attend the hearing. If for any reason the date is not suitable, you should advise Human Resources of an alternative time when you are available. This should be within 5 working days of the original date.
- 5.4 Where reasonably practical, the appeal hearing will be dealt with by a more senior manager (or different) manager than attended the original hearing.
- 5.5 You have the right to be accompanied at the appeal hearing by a representative of a recognised trade union or a colleague (willing to accompany you). Your companion can give you advice and support and address the appeal hearing but may not answer questions on your behalf.
- 5.6 After the appeal meeting you will be informed of the final decision.
- 5.7 You will receive a written response of the outcome. The decision of the appeals panel is full and final. The senior managers' appeals panel will consist of either the Deputy Chief Executive, an Operations Manager, a Service Manager, who will be accompanied by HR.

6 MODIFIED GRIEVANCE PROCEDURE

- 6.1 If an employee's employment ends before the grievance has been brought, a modified statutory grievance procedure may be applied.
- 6.2 The employee must set out in writing to the HR Manager, their grievance and the basis for it.
- 6.3 Breckland will then set out their response in writing and send the statement to the employee.

Appendix A
BRECKLAND COUNCIL GRIEVANCE PROCEDURE

STATEMENT OF GRIEVANCE

Full Name of Employee (s):

Portfolio:

Job Title:

Unison member? Yes No

Will Unison represent you? Yes No

NOTE: At least one copy of statement of grievance should be retained by the employee.

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Continue on a separate sheet if necessary.

Signature of Employee: Date:

APPENDIX B

PROCEDURE FOR GRIEVANCE HEARING

The procedure will be along the following general lines:-

- Introduction.
- Outline of the grievance.
- The case of the aggrieved employee.
- The side of the employee who has had the grievance taken out against him/her. (Where the grievance is due to the behaviour of another employee)
- Clarification
- Conciliation
- Consideration of the case
- Resolution/ Decision