

# Grievance Policy and Procedure

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The Council is committed to providing a working environment where everyone is treated with fairness, dignity, and respect. It is in everyone’s interests that grievances are dealt with as quickly as possible.

The Council encourages informal resolution of grievances in the first instance and the use of mediation, where appropriate.

This policy advises employees who work for the Council on the procedure to follow if they wish to submit a formal grievance and the procedure for managers to follow when managing a formal grievance.

The policy is considered to be fair, equitable and transparent, ensuring equality & diversity for all concerned.

The policy and procedure adhere to UK employment law and incorporate the ACAS Code of Practice on Disciplinary and Grievance. It also includes the CIPD’s best practice guidance in good employee relations.

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| <b>Policy</b>              | Grievance Policy and Procedure  |
| <b>Policy Author</b>       | HR Team - PSPS Limited  |
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| <b>Policy Review date</b>  | August 2024, or earlier if required due to one of the specific reasons as set out in the HR Policy Governance Framework |
| <b>Policy Consultation</b> | GMB Trade Union<br>Unison Trade Union<br>Unite Trade Union<br>Council Employees’ Reader Panel                           |
|                            | Check with James Gilbert – Assistant Director Corporate who will sign off policy in each client Council of the SELCP    |

# Grievance Policy and Procedure

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## 1. Scope of the Policy

The Council recognises that raising a grievance and dealing with grievance matters can be an upsetting and stressful time for all the people involved.

Everyone in the process should always be treated with courtesy and respect. The Council will not tolerate abusive or insulting behaviour towards any person throughout this process. Any such behaviour will be treated as potential misconduct and may be dealt with under the Council's Disciplinary Policy and Procedure.

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.

All Managers should seek and receive appropriate training and professional support.

The formal stage of this policy is for use only in situations where it is not possible to resolve issues informally or through the use of mediation.

This policy and procedure apply equally to all employees who work for the Council, with the exception of those in statutory chief officer, non-statutory chief officer and deputy chief officer roles where separate procedures will apply. Those procedures are set out in the Council's Constitution.

The following statutory chief officer, non-statutory chief officer and deputy chief officer roles within the Council are exempt, and are instead subject to the Chief Officer Employment Panel and Chief Officer Employment Appeals Panel, as set out in the Constitution and within the Memorandum of Agreement relating to an integrated Shared Workforce structure, between Boston Borough Council, East Lindsey District Council and South Holland District Council, known as the South and East Lincolnshire Councils Partnership (SELCP).

The statutory roles are, as follows:

1. Head of Paid Service
2. Section 151 Officer
3. Monitoring Officer

The Chief Officer roles are, as follows:

1. Chief Executive (if different from the Head of Paid Service)
2. Deputy Chief Executive

The Deputy Chief Officer roles are, as follows:

- Assistant Director – Wellbeing and Community Leadership
- Assistant Director – Regulatory
- Assistant Director – Leisure & Culture
- Assistant Director – Neighbourhoods
- Assistant Director – Corporate
- Assistant Director – Governance & Monitoring Officer
- Assistant Director – Finance
- Assistant Director Housing
- Assistant Director – Economic Growth
- Assistant Director – Planning and Strategic Infrastructure
- Assistant Director – Strategic Projects
- Assistant Director – General Fund Assets
- Assistant Director Strategic Growth & Development

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.

Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under the Grievance Policy.

The aim of the policy is to ensure prompt, consistent, and fair treatment for all employees and to help to be clear about their expectations of the procedure.

This policy advises all employees of the Council, on the procedure to follow if they wish to submit a formal grievance. It defines the procedure for raising a grievance and the roles and responsibilities associated with dealing with grievances.

The recognised Trades Union agrees that this policy should not be used as a substitute for promoting and maintaining good informal working relationships throughout the Council.

There is 24 hours / seven days a week online support available for an employee raising a grievance or, who has had a grievance submitted against them.

This confidential, free of charge, external well-being support service is provided to the Council's employees by Sodexo - Care First Employee Assistance Programme. The contact details are available from the employee's manager, and also on the A-Z HR on the intranet. Alternatively, these contact details are also available from the HR Team at Public Sector Partnership Services via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk)

## 2. Relationship to other HR policies

This policy is not intended to add another layer to decision making within Council or to challenge actions and/or decisions taken under other policies or procedures.

If a grievance is raised during a disciplinary process, it may be appropriate to suspend the disciplinary process until the grievance has been resolved. If the grievance raised is linked to the disciplinary hearing, both processes may run concurrently. Managers are to seek advice from the HR Team, Public Sector Partnership Services Ltd via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk)

The Grievance Policy will not apply where there is an alternative mechanism for concern(s) to be addressed. These include: Job Evaluation Appeals, Disciplinary, Sickness and Capability Procedure outcomes, Application of pension scheme rules, Probation, Service restructures resulting in redundancy.

The Council's Dignity at Work 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 Dignity at Work Policy from the HR Team, Public Sector Partnership Services Ltd via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk).

The 'Flexible Working Policy' provides a framework for consistent and fair practice on the issues to be taken into account when implementing and managing 'Flexible Working' requests and ensuring adherence to statutory legislation and guidance. Managers are to seek advice from the HR Team, Public Sector Partnership Services Ltd via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk)

## 3. Responsibilities – Managers and HR team

Managers must respond to a grievance proactively, to look for a positive resolution in a timely way. In most cases, grievances can be resolved informally by the employee's manager and the individual concerned.

The Human Resources Team at Public Sector Partnership Services is responsible for providing advice and guidance to managers within the Council and has a specific advisory role to provide professional HR support during each of the formal stages of this policy and procedure.

## 4. Informal Resolution and Mediation

In most cases where an employee is concerned about a specific problem at work, the employee should discuss any issues informally with their people manager as they are the person who, in

most cases, can best respond and support a resolution to the grievance with the employee concerned.

When a grievance is raised in this way, the people manager will discuss the grievance with the employee to understand why they are dissatisfied and find an informal resolution that will ensure that good employee relations are re-established.

If the grievance is against another employee, the people manager should generally start by talking privately to the individual about the concerns of the Complainant and discuss ways in which the matter can be resolved.

The people manager should also discuss how the Complainant can obtain further support if appropriate.

In cases where the employee feels that they are unable to approach their immediate manager with the concern, then the employee may decide to discuss with their Service Manager, Head of Department, or if necessary, the Assistant Director.

The immediate people manager or Service Manager should send a response to the employee regarding the concern that has been discussed informally within a reasonable time from the date of the informal discussion. Ideally, this written response to the employee from the manager will be sent within five working days from the date of the informal discussion.

Timescales can be extended if a resolution is not possible within this timescale however, the employee raising the informal grievance should be notified of this extension.

However, if the employee is not satisfied with the outcome of the informal procedure, or if the grievance is of a serious nature that the informal route is inappropriate, the formal grievance procedure, as set out in section 5 of the policy, may be initiated by the employee.

## 4.1 Mediation

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.

Mediation is a collaborative process that 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

Mediation may also be appropriate at any time during the Grievance Policy (by halting proceedings, with mutual consent) or at the end of the procedure, if working relationships need to be restored.

## 5. Formal Grievance Procedure

### 5.1 Submitting a Formal Grievance

The first stage is for the employee to put their complaint in writing to their people manager. If the grievance is about the employee's people manager, the grievance should be submitted to the people manager's manager or sent to the HR Team at Public Sector Partnership Services Ltd via the HR portal [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk)

The key focus of the Grievance procedure is finding the solution to the grievance; therefore, it is important that the employee states in the written grievance how they would like the grievance to be resolved.

Receipt of the written grievance will be acknowledged within five working days by either the employee's manager or the HR Team, Public Sector Partnership Services Ltd.

Normally an independent manager from within the employee's service area will be appointed by the Assistant Director or another Senior Manager from the service as the Investigating Manager, to investigate the grievance and following their investigation, take the decision about the grievance.

However, it may be necessary to appoint a manager from another service in the Council to investigate the grievance depending on the specific allegations that are within the written grievance.

Any grievance must be lodged within three calendar months of the date of the act complained of in the grievance. Extension of this time limit will only be agreed upon where the manager designated to chair the formal grievance meeting accepts that it was not reasonably practicable for the employee to lodge the grievance in time.

The written grievance will form the basis of the subsequent meeting and any investigations, so it must set out clearly the nature of the grievance and the outcome being sought.

If the written grievance is unclear, it may be necessary for the Investigating Manager to seek further clarification from the employee before the formal Grievance meeting takes place.

Before proceeding to the formal 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.



There is support available for employees raising a grievance or, who have had a grievance raised against them. This is the counselling and support service, Employee Assistance Programme, details of which are available from the HR A-Z, directly from HR, or from their manager.

If an employee has raised a grievance against another employee, then both employees will be offered a designated Support Officer, who will maintain regular contact during this formal stage of the procedure.

The Support Officer may be a people manager, manager, HR, their union representative, or another appropriate person employed by the Council.

## 5.2 The right to be accompanied

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. This could include, for example, the provision of a support worker or advocate with knowledge of the disability and its effect.

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 legally obliged to rearrange the meeting only once. However, in exceptional and unavoidable circumstances, if an alternative date is proposed by the employee, it will not be unreasonably refused.

The chosen companion will be encouraged to participate as fully as possible in the formal grievance 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 meeting if the employee does not wish it.

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.

## 5.3 The formal grievance meeting

The manager, as designated by the Assistant Director, or other appropriate Senior Manager in the Council, will be known as the Investigation Manager during this procedure.

The Assistant Director may decide to appoint an external investigator in cases where it deems this is necessary. This will only be done in exceptional circumstances in consultation with the Employee Relations team at Public Sector Partnership Services.

The Investigation Manager will investigate the written grievance promptly.

The employee will be invited to attend a formal grievance meeting to discuss the grievance once the Investigation Manager has had a reasonable opportunity to consider how best to investigate the grievance.

The Investigation manager will give the employee a minimum of five working days advance notice of the formal grievance meeting in writing, and the invite will include the date, time, and location of the meeting.

The Investigation manager chairing the formal grievance meeting will be advised by an HR professional from Public Sector Partnership Services Ltd and a note-taker will also be present.

The intention of the formal grievance meeting is that it should be an opportunity for a full discussion and dialogue, with the objective of seeking to fully understand the nature of the grievance and then to aim to find a resolution.

The format for the formal grievance meeting and further investigation of the grievance will depend on the allegations within the written grievance.

The Investigation Manager 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 Investigation Manager considers it appropriate.

The Investigation Manager may need to adjourn the formal grievance meeting if they need to investigate further, including interviewing potential witnesses for fact-finding witness meetings and exploring alternative possibilities for resolution of the grievance.

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 Investigation manager conducting the grievance meeting will intervene if he/she thinks that the discussion is straying too far from the key issue.

The Investigation manager may also intervene to ensure that the grievance meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

After due consideration of the grievance, the Investigation Manager may dismiss or uphold the grievance or elements of the grievance.

The Investigation Manager may also if evidence indicates a serious breach of the Council's policies, decide that it may be more appropriate to deal with the issue(s) under the Council's Disciplinary Policy.

Where possible, the Investigation Manager 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.

The Investigation Manager will confirm their decision in writing, within five working days.

This letter will also confirm the employee's right to appeal if the employee remains dissatisfied with the outcome of the grievance investigation by the Investigation Manager.

## 6. Grievance Appeal

If the employee remains dissatisfied with the outcome of the grievance meeting and investigation by the Investigation Manager, the employee has the right of appeal.

An appeal can be submitted in writing to the Head of Human Resources and Organisational Development, at Public Sector Partnership Services Ltd, via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk) within ten working days of receiving the written outcome from the Investigation Manager.

The employee should clearly state the grounds of the appeal, e.g. the fact-based basis on which they say that the outcome of the grievance was wrong, new evidence is available or that the action taken as a result was inappropriate.

An appeal will be heard by the Grievance Appeal Panel that has not previously been involved in the matter, comprising of:

- a senior manager from the Council, who will be the Chair/Decision maker about the appeal
- an HR professional from Public Sector Partnership Services Ltd who will be present in an advisory capacity.

The Chair of the Grievance Appeal Panel should be more senior to the manager who heard the grievance and will have had no prior involvement.

The Grievance Appeal Panel will plan for the Grievance Appeal meeting to be convened as soon as reasonably practicable for all concerned.

The Chair will write to the employee confirming arrangements for the Grievance Appeal 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 trade union representative or work colleague.

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 meeting may take place in their absence.

The purpose of the appeal is for the Chair to consider the written grounds of appeal; this could for example be for the Chair to determine that:

- the original decision was reached in a procedurally correct way
- the action taken was reasonable
- the proportionality of any penalty to the offence
- ensure consideration of any new relevant evidence

The decision at the appeal stage will be confirmed in writing to the employee as soon as possible after the Grievance Appeal meeting unless the meeting has been adjourned due to the further investigation being initiated by the Chair of the Appeal Panel.

Any further investigations by the Chair of the Appeal Panel must be completed within a reasonable timescale and on completion of this further investigation, the Grievance appeal hearing will be reconvened for the Chair of the Appeal Panel to inform the employee of the outcome of the Appeal.

The Chair will then write to the employee to confirm the outcome of the Grievance Appeal within five working days of this decision.

The outcome of the appeal is final. There is no further right of appeal.

## **7. Collective Grievances**

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.

All colleagues raising a collective grievance must agree (without any pressure being exerted on other employees to join the collective process) to deal with the concern as a collective grievance.

All participating colleagues will be entitled to only one grievance meeting 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 Assistant Director within the Council will designate a Manager within the Council to arrange to hear their grievances on an individual basis.

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 Manager designated to investigate the collective grievance will arrange to hear their grievances individually.

When submitting a collective grievance, the written complaint should be headed "Formal collective grievance".

The grievance can be submitted on one document to the Head of HR and OD at Public Sector Partnership Services Ltd via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk), 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 (if applicable), and one appeal meeting and one identical appeal outcome.

The formal 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 section 4 of the policy).

## **8. Data protection and retention of employee records**

The Council will maintain records of Grievance investigations the outcome of the investigations and any corrective or disciplinary action taken, in accordance with its data protection policy and data protection law.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported to the Council's data protection officer immediately.

The data breach may also constitute a disciplinary offence, which will be dealt with under the Disciplinary Policy.