

CYNGOR SIR POWYS COUNTY COUNCIL

Grievance Procedure Guidance

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Cyngor Sir Powys County Council Grievance Procedure

This Grievance Procedure Guidance forms part of the Council's Grievance Framework and should be read in conjunction with the Grievance Policy and Grievance template letters and forms.

| Contents: | Page |
|--------------------------------------|-------------|
| 1. Policy Statement | 3 |
| 2. General Conditions | 4 |
| 3. Matters not covered by the Policy | 4 |
| 4. Mediation | 5 |
| 5. Accessibility | 5 |
| 6. The Informal Stage | 5 |
| 7. The Formal Stage | 6 |
| 8. The Grievance Hearing | 7 |
| 9. The Appeal Hearing | 7 |

1. Policy Statement

- 1.1 The Grievance Policy applies to all Powys County Council employees, except for those who are employed by schools, and will be used to resolve both individual and collective grievances.
- 1.2 The Council's policy is to encourage open communication between managers and the staff they manage. This ensures that questions and problems can be aired and resolved quickly and fairly through normal day-to-day supervision. Managers must exercise judgement in resolving incidental matters as part of their daily responsibilities.
- 1.3 The Council recognises that it is beneficial for all concerned to raise something whilst it is fresh and would encourage employees to be open about problems rather than bottling something up for a long period. Grievances must be raised at the first opportunity so that they may be resolved promptly and those involved can get on with their work with minimum disruption. Employees are encouraged to raise anything of concern within a reasonable period of time and at the latest, within three months of the event. Any grievance relating to something which occurred more than three months ago is unlikely to be considered.
- 1.4 If you have a concern, problem or complaint at work, you should take this up with your employer. This is called raising a grievance.
- 1.5 Matters to be dealt with through the Grievance Policy include:
 - Relationships at work;
 - Terms and conditions of employment (e.g. how they have been applied or interpreted).
- 1.6 When dealing with a grievance, it is important that both parties:
 - Co-operate and engage in resolving the matter;
 - Take responsibility for and be committed to seeking an informal solution to the situation in the first instance;
 - Deal with matters in a timely manner, agreed at the outset.
- 1.7 It should be noted that a grievance outcome may not always be what the individual(s) expected but it will be based on a viable solution to the matter. However, there will be a requirement for all parties concerned to co-operate in seeking a resolution by suggesting solutions and in implementing any recommendations which arise.
- 1.8 It is the manager's responsibility to act consistently and ensure that decisions are implemented and actions take place accordingly and it is the employee's responsibility to co-operate fully with this.

2. General Conditions

- 2.1 An employee will have the right at any formal stage of this procedure to be accompanied by a recognised Trade Union representative or work colleague.
- 2.2 Any agreed timescales for addressing a grievance may be varied if management and the employee agree that in a particular instance the timescales should be extended.
- 2.3 Records should be kept detailing the nature of the grievance raised, the management's response, any action taken and the reason for it. These records must be kept confidential and retained by the HR Department in accordance with the Data Protection Act 1998.
- 2.4 All parties, including the complainant, will be reminded that the grievance must be dealt with in confidence. Failure to comply with this may result in disciplinary action being taken against any employee who breaches confidentiality, in line with the Council's Disciplinary Procedure.
- 2.5 If an employee raises a grievance during disciplinary proceedings, the grievance may be heard as a part of those disciplinary proceedings.

3. Matters not covered by the Policy

- 3.1 The following subjects will be dealt with under separate Council Policies and Procedures and not through the Council's Grievance Policy:
 - Matters connected with an employee's unsatisfactory performance or conduct where the employee has already been notified of a formal hearing concerning that matter, which will be dealt with under the Performance Capability Procedure and Disciplinary Procedure, respectively;
 - Other employment issues which have their own appeals process, for example: Flexible Working; Fairness and Dignity at Work; Redundancy; Pay etc;
 - Allegations of discrimination or harassment, including those on the basis of race, sex, disability, age, religion or belief, which will be dealt with under the Fairness and Dignity at Work Procedure;
 - Matters relating to malpractice, illegal acts or omissions at work which are covered by the Whistleblowing policy;
 - Grievances which are subject of, or appropriate to, a collective dispute between the employer and the trade union(s) which would be raised through the JCNC.
- 3.2 Furthermore, the Grievance Policy will not apply where:

- The complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process;
- There is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be deemed as misconduct and may lead to disciplinary action being taken.

4. Mediation

- 4.1 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution.
- 4.2 Mediation will be used only where all parties involved in the grievance agree.
- 4.3 A list of Mediators is held by the HR Department. These Mediators will work to an agreed Code of Practice.
- 4.4 Further information is contained within the Mediation Service leaflet, a copy of which can be found at Appendix 2.

5. Accessibility

- 5.1 If any aspect of the Council's Grievance Policy causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with the HR Department so that appropriate arrangements can be made.

6. The Informal Stage

- 6.1 If the employee wishes to raise a grievance, they should in the first instance seek an early, informal discussion without resorting to the formal procedure. This can be with their line manager or another member of staff. For example, if the matter is regarding a colleague the first step should be for the employee to speak to that colleague about their concerns.
- 6.2 The manager should work with both parties to reach an agreed solution which is documented and monitored.
- 6.3 It is expected that both employees and managers take responsibility to ensure that this stage of the procedure is concluded as swiftly and timely as possible and that any agreed timescales are kept to.

7. The Formal Stage

- 7.1 The Council recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The Council will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.
- 7.2 If informal intervention has not resolved the grievance to the employee's satisfaction, they may raise the matter formally in writing with their immediate line manager (or, where the grievance is against their line manager, the next senior manager).
- 7.3 The letter should be headed "Formal grievance" and in it, the employee must clearly set out the following:
- Their full name and job title;
 - A summary of the facts surrounding the grievance;
 - Dates and times of any incidents, in order;
 - Details of any witnesses or supporting evidence;
 - Details of the efforts made to resolve the issue informally;
 - Details of their chosen representative;
 - Their preferred outcome.
- 7.4 If the grievance letter is unclear, the employee may be asked to clarify the complaint before any meeting takes place.
- 7.5 Further attempts may be made to resolve the matter informally, depending on the nature of the grievance. However, if the employee is not satisfied with the outcome, s/he may insist on the matter proceeding to the formal stage.
- 7.6 Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by the employee, although the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these investigations, the employee will be given a copy in advance of the hearing for them to 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 given to them.
- 7.7 Where further investigation is necessary, the manager will arrange a meeting with the employee to discuss the matter formally and to commence such investigation into the matter as quickly as possible. At this stage, a timeframe for investigating and reporting back will be identified and agreed. If this timeframe cannot be kept for any reason, then the manager must inform the employee and inform them of any updates in their progress to handle the matter.

8. The Grievance Hearing

- 8.1 The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within five working days of the receipt of your written complaint. It will be conducted by your line manager (or another manager of the same level) and attended by an HR representative. At the hearing, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the hearing may be adjourned to allow further investigations to take place.
- 8.2 You should ensure that you attend the hearing at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.
- 8.3 While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your 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 your 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 hearing can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.
- 8.4 Following the hearing, you will be informed in writing of the outcome within 5 working days and told of any action that the Council proposes to take as a result of your complaint. You may discuss this outcome informally with either the manager or HR representative who was present at the hearing.
- 8.5 If you are dissatisfied with the outcome, you may make a formal appeal.

9. The Appeal Hearing

- 9.1 If the employee who raised the grievance does not accept the decision of the hearing panel, they have the right to appeal and will be required to write to the Chair of the original panel:
- Summarising what has happened;
 - Stating why they are not able to accept the outcome of the formal stage;
 - Stating what they feel the solution should be and why.
- 9.2 The employee is required to submit their written appeal no later than seven working days from the date of the grievance hearing.
- 9.3 At this point, Human Resources will make arrangements for the appeal hearing. Every attempt will be made to hear the appeal as quickly as possible and wherever possible, within 25 days of HR receiving the employee's letter.
- 9.4 HR will be responsible for co-ordinating the collation of the documentation required. This will include:

- a copied set of all the previous letters and notes of meetings;
- the employee's written case of appeal.

9.5 The employee may not submit new evidence at this stage.

9.6 HR will ensure that all documentation is provided to the appeal panel at least 5 working days before the appeal hearing takes place.

9.7 The appeal panel will consist of a Strategic Director, Director or Head of Service, supported by a HR representative.

9.8 The appeal panel may wish to call parties interviewed as part of any formal grievance investigations.

9.9 The employee will be notified in writing of the decision by the Chair of the panel within 5 working days of the panel meeting.

9.10 The appeal hearing is the final stage in the Council's grievance procedure and the appeal panel's decision is final.

