



## Grievance Policy

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**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

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## Revision History

Revision Date	Version Control	Summary of changes
August 2019		A complete refresh of the Grievance Procedure, including collective grievances
June 2020		Amended to include AD and ED feedback

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		

### Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin		
TULG		

## Approval Path

### Major Change

	Action
Originator	HR
Owner	Head of Paid Service
TULG	Consultative Group
CMT	Corporate Approval
Appts & Staffing Committee	Council Approval

### Minor Change

HR	Submission
TULG	Consultative Group
Director	Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document will be distributed through NETConsent as a MANDATORY policy and will also be available on the Intranet.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **1 Introduction**

- 1.1 Tamworth Borough Council (TBC) recognises that from time to time employees may have individual grievances relating to a range of matters, which affect their working situation. The policy is designed to support the resolution of grievances as swiftly as possible in accordance with the ACAS Code of Practice on handling grievances.
- 1.2 Matters dealt with under this procedure include all issues relating to individual rights of employees concerning their employment such as; the application of terms and conditions of employment, health and safety, allocation of work, working environment, career development opportunities or the way in which they have been managed. Issues relating to grading, conduct, bullying and harassment, capability, appraisal and absence management are dealt with under different and specific procedures in their own right with a right to appeal. However, issues that are the subject of collective negotiation or consultation with the recognised Trade Unions will not be considered under the Grievance Procedure.

## **2 Aim**

- 2.1 To ensure effective working relationships are maintained within the organisation by having a mechanism for resolving problems. Where a grievance is upheld, the aim is to correct errors, to repair omissions, or replace inferior decisions with better ones. Its purpose is not intended to establish guilt or innocence, but to achieve a resolution to a problem. On occasions, a grievance may centre on the word of one person against another with little or no supporting evidence and the manager determining the grievance will do so on the balance of probability and reasonable belief.
- 2.2 TBC encourages full and free communication between managers and employees and anticipates that this approach will lead to problems being resolved quickly and as near to their source as possible.

## **3 Representation**

- 3.1 The employee has the right to representation by a recognised Trade Union Representative or by a work colleague. In exceptional circumstances, as a reasonable adjustment, employees may request to be accompanied by someone external to the organisation but this request must be made in advance and under no circumstances should this include family or members of the employee's household. A reasonable adjustment may be needed for an employee with a disability, for example, the provision of a support worker or advocate with knowledge of the disability and its effects.
- 3.2 At **Step 1** – informal stage, it would normally be expected that the meeting would be between the employee and their line manager.
- 3.3 An employee has a right to be accompanied by a Trade Union Representative or work colleague from **Step 2** – the formal stage of this procedure. The companion is allowed to address the meeting, to put and sum up the employee's case, respond on behalf of the worker 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 employee from explaining their case.

#### **4 Implications for other procedures**

- 4.1 The Grievance Procedure should not be used to allege misconduct (including sexual or racial harassment against other employees). Alleged misconduct should be reported promptly to an appropriate manager who should initiate an investigation under the Conduct Procedure or Dignity and Respect procedure.
- 4.2 If an employee is dissatisfied and feels strongly that the manager deliberately or negligently mishandled an investigation, the grievance procedure can be appropriately invoked.

#### **5 Steps in the procedure**

- 5.1 A grievance should be raised as soon as the employee feels they have a grievance and normally within 1 month of the issue having arisen or an incident having taken place. Should the grievance be linked to an ongoing chain of events then the grievance should be made within one month of the last of this series of events.
- 5.2 **Step 1 – Informal resolution with immediate line manager**
- 5.3 Where an employee is aggrieved about a matter relating to his/her employment, they should discuss this initially with their immediate line manager as soon as possible but normally within 14 calendar days. They should provide details of the grievance, desired outcome/how it should be resolved and if appropriate, provide documentary evidence. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that this is set out clearly with the outcome sought. The manager has the right to request clarification or more detail on the points raised.
- 5.4 The manager will endeavour to resolve the matter informally, taking into account the issues involved and remedy the employee is seeking. If the employee's immediate manager is closely involved in the issue relating to the informal grievance then it may be appropriate for the next level of management to assist in the informal resolution.
- 5.5 The relevant manager should reply in writing within 14 calendar days of the meeting. A record of the discussion should be provided to the employee to check for accuracy and agreement and held on the employee's file. If agreement cannot be reached on the record of the discussion the employee's comments or amendments should be included as an addendum with reasons why they were not accepted as changes to the original notes.
- 5.6 **Step 2 – Formal resolution and hearing the grievance:**
- 5.7 If the employee is not satisfied with the reply and the grievance has not been resolved informally i.e. at Step 1, the employee must lodge a formal grievance in writing by completing the Grievance Form. They must outline why they believe the line manager's decision was unfair or wrong and the resolution sought (Appendix 1)

within 14 calendar days of receiving the line manager's written response. This should be submitted to a more senior manager, within the reporting line. In exceptional circumstances, where it can be evidenced the more Senior Manager was too involved with the original decision to investigate the grievance, to adjudicate fairly and with impartiality, the grievance may be referred to an alternative Senior Manager. This will be considered on a case by case basis.

- 5.8 The manager receiving the grievance may request further details or explanation in advance of the meeting in order to progress matters.
- 5.9 The manager hearing the grievance will convene a meeting to discuss the grievance within 14 calendar days of receipt of the written grievance. If the employee or their representative is unavailable, the employee may request an alternative meeting date, where possible within 7 calendar days of the original date.
- 5.10 At the meeting the employee or their representative will have the opportunity to explain the nature of their grievance and outcome sought.
- 5.11 After the meeting, the manager may undertake whatever investigation is felt appropriate e.g. establish the background history, the facts, steps taken to resolve the grievance informally, checking relevant policies and procedures.
- 5.12 The manager should communicate their decision in writing within 14 calendar days, together with a record of the meeting. This should consist of an explanation of what resolution is proposed, what action has been taken or will be taken to resolve the grievance, or alternatively an explanation that no action can be taken, together with the reasons for this. If this cannot be done within 14 calendar days, the employee should be told when he or she can expect a response and the reason for the delay, e.g. the manager needs to conduct further interviews or gather further documentation. If the employee is dissatisfied with the outcome and remains aggrieved, they will have the opportunity to appeal in accordance with step 3 of the procedure.
- 5.13 A HR representative should also be in attendance to ensure consistency of treatment by providing guidance on similar grievances and how they were resolved/followed up and to act as a note taker.
- 5.14 Step 3 – Appeal:
- 5.15 If the employee remains dissatisfied with the decision, they must lodge their appeal within 7 calendar days of receipt of the written decision to the Head of HR and Organisational Development, outlining their grounds for appeal, why they were dissatisfied with the initial response and remedy sought.
- 5.16 The appeal will be heard by a member of the Corporate Management Team (CMT), supported by HR, as soon as possible, but where possible within 14 calendar days. They will not have had prior involvement or input at an earlier stage in the procedure.
- 5.17 The CMT member will have a copy of the written note of the informal and formal grievance meetings, the outcome letters and relevant paperwork. The employee

will have the opportunity to present the grounds of his/her appeal and the manager who conducted the formal meeting will attend to present the grounds of his/her decision. No new evidence should be presented at the appeal stage. If new evidence, not available at earlier stages within the procedure is forthcoming, this should be referred back to Step 2. The decision made at this stage is final.

- 5.18 The CMT member will assess whether or not the conclusion reached was appropriate. The employee will be notified in writing of the appeal decision as soon as practicable and normally within 7 calendar days of the meeting. A record of the meeting will be taken and provided to the employee. Once the grievance procedure, including the appeal stage, has been exhausted, the matter will be closed irrespective of whether the employee accepts the outcome.

## **6 Vexatious grievances**

- 6.1 Under the procedure, it is assumed that complaints are made in good faith which means the individual genuinely believes the grievance to be justified, whether or not this proves to be the case. Where the grievance is found to have been made in bad faith or maliciously, consideration will be given to action under the Conduct policy.

## **7 Collective grievances**

- 7.1 If more than one employee have identical grievances and they all wish them to be addressed in the same grievance process, this can be raised as a collective grievance. Those raising a collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. The aggrieved parties will be entitled to one grievance hearing and, if applicable, one appeal hearing. The aggrieved staff will be notified individually of the outcome at each stage of the process. If grievances are not identical the Council will arrange to hear the grievance on an individual basis.
- 7.2 The first stage of the collective grievance procedure is for the complaint to be put in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that this is set out clearly with the outcome sought. The complaint should; identify each colleague wishing to raise the grievance, identify the nominated Trade Union representative or colleague support, state all parties have voluntarily consented to use the collective grievance process and confirm all understand that the grievance will give each complainant one collective grievance meeting, one identical outcome and one appeal meeting.
- 7.3 If following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal. If only one employee wishes to pursue the appeal, the Council's normal grievance procedure will apply to the appeal.

## **8 Records and disclosure of information**

- 8.1 A record of the outcome of each stage of the procedure, together with all relevant documents, must pass from the manager who dealt with the informal grievance to the manager who dealt with the formal grievance for reference.



8.2 The following record should be kept:

- Substance of the grievance,
- Interviews conducted,
- Employer's response,
- Any actions taken as a result of the grievance,
- Reasons for such actions,
- Details of any appeal and outcome,
- Subsequent developments

8.3 TBC processes personal data collected during informal complaints and formal grievances in accordance with GDPR. In particular, data is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and will be reported in accordance with the organisation's data protection policy.

8.4 On conclusion of the case, the investigation records will be returned to HR. HR will retain the investigation records to demonstrate TBC investigated the grievance as part of a reasonable procedure. These records could be subsequently relied on before an employment tribunal if the employee went on to bring a claim against TBC. Records will be kept for no longer than 6 years after employment ceases.

8.5 Actions taken to resolve a grievance may have an impact on other individuals. While confidentiality is of prime importance in handling any grievance, in some circumstances there may be other individuals who may need to know the outcome, or certain aspects of the outcome that will impact on them. For instance, in cases where the grievance was about a fellow employee, that individual will also be informed of any aspect of the decision that affects them and the reasons for it. In such cases, the employee who raised the grievance should be informed of who else will be told about the decision and what type of information they will be given.

## **9 Status Quo**

9.1 The employee can request for the status quo (i.e. the practice which applied immediately before the point of dispute arose) to be maintained for the duration of the time limits within this procedure.

9.2 In some circumstances, this may be overridden for example by an appropriate senior manager, if it presents a health and safety risk to employees or the public or would put the Council into disrepute or subject to litigation.

## **10 Equality Act**

10.1 If any aspect of the grievance procedure causes the employee difficulty on account of any disability that they may have, or timings of meetings due to religious observance or caring commitments, the employee should raise this for appropriate arrangements to be made.

## **11 Recording of meetings**

- 11.1 The employee will not normally be permitted to record electronically or digitally any meeting held by the organisation as part of the grievance procedure. In certain limited circumstances, the Council may permit the meeting to be recorded electronically. For example, where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010.

## **12 Mediation**

- 12.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute attempt to reach an agreement. This agreement comes from those in dispute not from the mediator. Human Resources should be contacted to discuss and to arrange the external mediator as required.

## **13 Confidential Counselling**

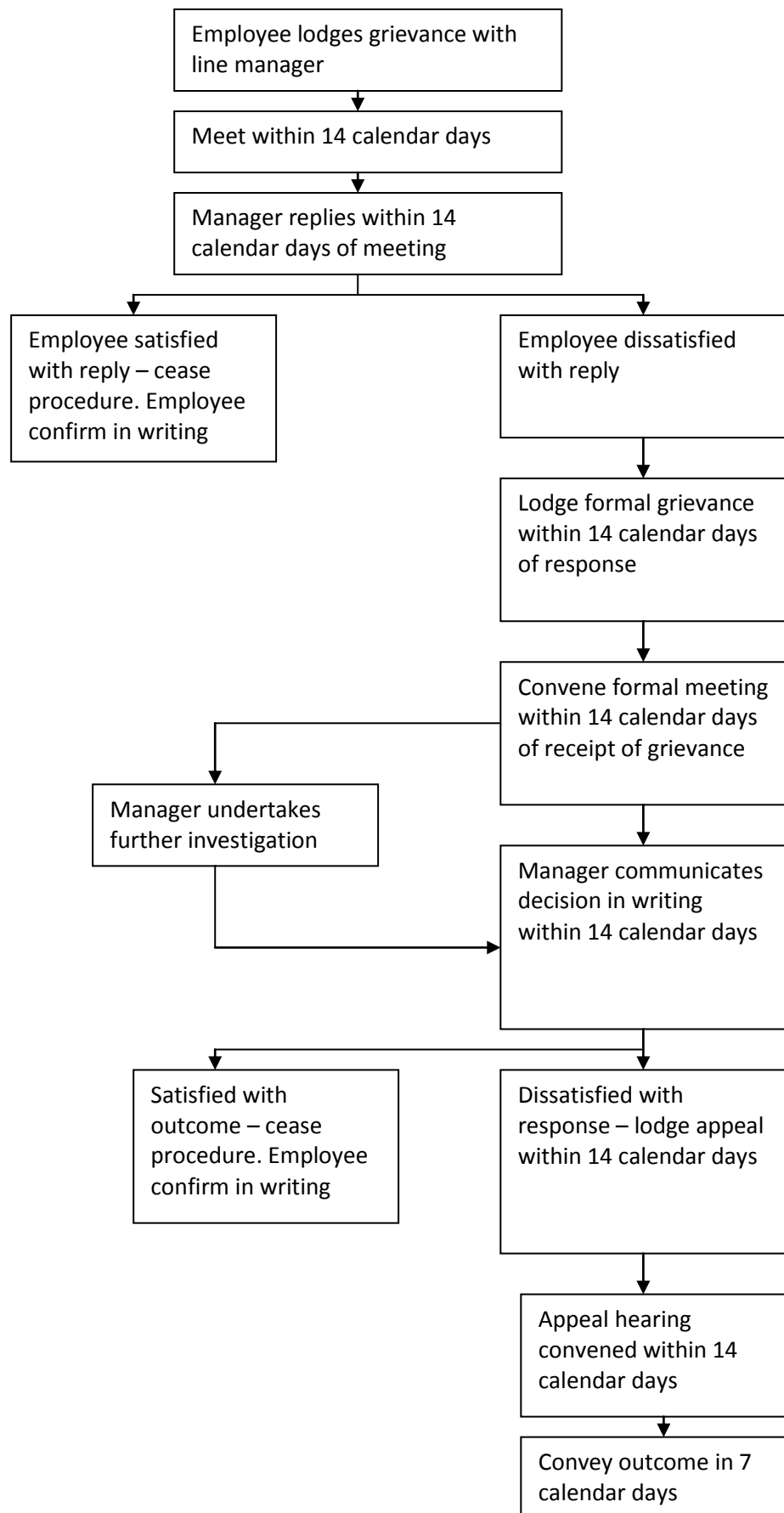
- 13.1 It is recognised any part of the grievance process can be distressing for all concerned. The Council's confidential counselling service 'The Listening Centre' is available to staff. Their contact details are: 01543 300 068 or [enquiries@thelisteningcentre.co.uk](mailto:enquiries@thelisteningcentre.co.uk).

## **14 Monitoring**

- 14.1 The Council will act equitably and reasonably and will be able to demonstrate that they have done so in all cases. When determining the action to be taken, the Council will observe the need to satisfy the test of reasonableness in all circumstances.

To ensure that this Policy is applied fairly a member of the Human Resources Team will collate information on the use of the policy and its effectiveness.

**Flowchart**



**Appendix 1****Formal Grievance Form**

<b>Name:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Name of TU representative (if applicable):</b>	
<b>Nature of the grievance:</b>  Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and identities of those involved). You may attach additional sheets if required.	
<b>Individuals involved in the alleged incident/complaint</b> Please provide the names and contact details of any people involved in your complaint, including witnesses	
<b>Summary of attempts at informal resolution:</b>	
<b>Desired outcome/remedy sought/how grievance should be resolved:</b>	

<b>Declaration.</b> I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation.	
<b>Signed</b>	
<b>Date</b>	

Cc Human Resources

## Appendix 2

### Order of proceedings for a grievance appeal hearing

The format of any formal grievance appeal hearing conducted by the organisation will be as follows:

- The purpose of a appeal hearing will normally be to consider an employee's grounds for appealing the organisation's original decision regarding their grievance and determine whether or not the organisation should amend its decision.
- The employee should submit their grounds for appeal in writing in advance of the hearing, with any supporting documentation.
- The person leading the appeal hearing (the chair) will introduce the hearing; explain its purpose and how it will be conducted. HR will advise on the policy. A note taker will be present.
- The parties present at the appeal hearing will introduce themselves and confirm their respective roles in the appeal hearing.
- The chair will state that the appeal hearing is being conducted as part of the organisation's formal grievance procedure and confirm that a written record is being made.
- The chair will remind parties present that they are not permitted to record the hearing electronically and any breach of this provision may lead to disciplinary action against the employee. An exception to this would be where the employee has a disability and the organisation considers it to be a reasonable adjustment under the Equality Act 2010. In this circumstance, the organisation will take responsibility for making the recording.
- The chair will invite the employee to state their case, i.e. the grounds for the appeal against the organisation's decision regarding their grievance, what outcome they are seeking and why. The employee may do this personally, or the employee's representative (if they have elected to be represented) may do this on their behalf.
- The employee will refer to any documentation on which they are seeking to rely.
- The chair will refer to any written evidence that has been gathered in the course of any investigation that took place.
- The chair may ask the employee and manager who undertook the first investigation questions about the circumstances of the grievance to establish facts, background and surrounding circumstances. The chair has the right to ask the employee personally to answer such questions, although the employee may on request confer with their representative at any time during the appeal hearing.
- At any point during the hearing, the chair may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.
- Once all the evidence has been heard, the chair will sum up the key points of the appeal hearing.
- The chair will inform the employee of when a decision will be made with the merits of the employee's appeal and what action will be taken to resolve or otherwise deal with the grievance if their appeal is upheld.
- The chair will inform the employee that there is no further right of appeal against the outcome.
- The chair will thank the parties for attending and close the hearing.



<b>Part 1 – Details</b>	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Grievance
Date Conducted	September 2020
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members

Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>



### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance to all employees on how to lodge a grievance which is in accordance with best practice and employment law.

Who will be affected and how?

All employees - This policy provides guidance on the process.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees  
Dignity and Respect policy  
Capability and Conduct policy

### Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief and explicitly references adjustments for religious observance
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

responsibilities			treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk
<i>Disability</i>	<i>Employee not supported in raising a grievance</i>	<i>Reasonable adjustments e.g. ,allowing an advocate, allowing recording</i>

<i>Religion or belief</i>	<i>Coincides with religious observance</i>	<i>Policy encourages employees to highlight commitments to avoid clashes in timings</i>
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**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

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<b>Impact (positive or negative) identified</b>	<b>Action</b>	<b>Person(s) responsible</b>	<b>Target date</b>	<b>Required outcome</b>
n/a				

Date of Review (If applicable) .....