

# GRIEVANCE AND DIGNITY AT WORK POLICY & PROCEDURE

This document applies to all Council employees with the exception of:

- All school employees who should refer to their own policy
- Uniformed Fire Fighters
- The Chief Executive, for whom there are separate arrangements

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## **POLICY STATEMENT**

It is the policy of the Council that all grievances raised by employees are dealt with in a fair and effective manner and at the appropriate level bearing in mind the nature of the complaint.

In particular, any form of harassment, discrimination, bullying or victimisation is unacceptable. For further information see [Equality Act 2010 Guidance](#).

## **POLICY**

This policy enables employees to raise problems or concerns that they may have about work or their working environment, including Dignity at Work issues.

Unless there are exceptional circumstances the grievance must be raised within three months of the incident or action giving rise to it. Any grievance raised outside of that time limit may not be considered.

Any grievance must be raised only by an employee or ex-employee (subject to the time limits above). If an ex-employee wishes to raise a grievance they must indicate in writing that this is the case. Criticisms of individuals or of the Council through, e.g. an exit questionnaire or interview will not be considered as a formal grievance for the purposes of this policy. There is no automatic right to a meeting in respect of a grievance by a person who raised a grievance as an ex-employee and any response to that grievance may be in writing only.

This policy aims to ensure that:

- lawful, non discriminatory and effective arrangements exist for dealing with employee concerns and grievances
- all employees are aware of their responsibilities regarding raising problems and concerns and will not suffer detriment for doing so as long as the complaint is not malicious
- managers are aware of and supported in carrying out responsibilities for the resolving of issues as soon as possible

Some matters relating to employment do not fall within the scope of this policy and are dealt with under separate arrangements. These include:

- Disciplinary outcomes (Disciplinary Policy)
- Allegations of serious health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption or financial malpractice (Whistleblower Policy)
- Applications for grading, re-grading and appeals (Job Evaluation Procedure)
- Payroll matters affecting Income Tax, National Insurance, Pension, etc (via direct contact with the provider concerned)
- Grievances raised by employees against Members will be dealt with as set out in the Council's Constitution, particularly in the protocols on Member/Officer Relations and Harassment, Intimidation and Unacceptable Behaviour

## PROCEDURE

Every effort should be made to resolve grievances through an informal process.

### Informal Stage

Where an employee has a complaint or issue arising from their employment, they may use the [Appendix 1 Raising a Grievance Form](#). They should initially raise the matter with their immediate supervisor. The immediate supervisor should arrange to meet with the employee to discuss the matter and the supervisor should take notes and agree these with the employee. The notes must include the date the issue was raised, the date of the meeting, the nature of the grievance, any advice given and the outcome.

If the grievance relates to an employee's supervisor the employee should raise the matter with the supervisor's line manager, who will seek to resolve the matter informally. Before the meeting the manager may need to gather facts in order to resolve the matter.

As the matter is informal any meetings will involve the employee and manager only.

In order to minimise unnecessary formality and apprehension, the electronic, audio or video recording by any device of such meetings will not be permitted. Should an employee think that there are exceptional circumstances where this should be allowed (for instance, due to a disability) this should be raised in advance with the person due to conduct the meeting, the chair of the hearing or the relevant HR Adviser. Due consideration will then be given to the request and the employee will be advised of the outcome of that consideration.

All issues should attempt to be first resolved at the informal stage, but if an employee goes to the formal stage, then consideration may be given by the manager hearing the matter for this to go back to the informal stage first.

The manager should confirm in writing to the employee the outcome of the informal stage using template [Letter A Outcome of the Informal Grievance Meeting](#).

This letter should also advise the employee that if they feel the matter has not been resolved satisfactorily via the informal stage they can proceed to the formal stage by writing to their Manager's Manager within 10 days of receiving the letter.

### Formal Stage

Any complaint should be in writing and [Appendix 1 Grievance and Dignity at Work Form](#) is for that purpose. It is not necessary for the employee to only use this form to raise a grievance. The form, letter or email setting out the grievance, the actions taken so far and what outcome is required to satisfactorily resolve the issue, should be given to the line manager who will forward it onto the next level of management.

That level of management will arrange a meeting to seek to resolve the matter with the complainant. Any meeting arranged must give a minimum of 5 working days notice and the employee will have the right to be accompanied by a recognised trade union representative, trade union officer or Lincolnshire County Council work colleague of their choice. The manager hearing the grievance will be accompanied by a Human Resources Adviser. See template [Letter 1 Inviting the Employee to Attend a Formal Meeting](#).

The supervisor or manager who has met with the employee to resolve the matter at the informal stage will also attend, with their notes of the previous informal meeting.

As this is a formal meeting, the process to be followed at that meeting can be found at [Appendix 4 Guidance on Conducting a Formal Meeting](#). However the manager hearing the matter may determine a process that best meets the needs of the circumstances to resolve the matter.

In order to minimise unnecessary formality and apprehension, the electronic, audio or video recording by any device of such meetings and/or hearings will not be permitted. Should an employee think that there are exceptional circumstances where this should be allowed (for instance, due to a disability) this should be raised in advance with the person due to conduct the meeting, the chair of the hearing or the relevant HR Adviser. Due consideration will then be given to the request and the employee will be advised of the outcome of that consideration.

Where the nominated notetaker at meetings and/or hearings associated with the process feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

The manager hearing the matter and employee will seek to resolve the grievance at this meeting.

Possible outcomes may be:

**Manager moves the matter back to the informal stage** – the manager hearing the matter will notify the employee and manager of the outcome within 5 working days of the meeting. The manager will keep notes of the meeting and outcome and a template [Letter 2 to Employee on the Outcome of the Meeting](#) is for the manager's use.

If the employee raising the grievance is dissatisfied with the outcome they can appeal (see Appeal Stage).

**Manager upholds or rejects the grievance** - the manager hearing the matter will notify the employee and the manager of the outcome within 5 working days of the meeting. The manager will keep notes of the meeting and outcome and a template [Letter 2 to Employee on the Outcome of the Meeting](#) is for the manager's use.

If the employee raising the grievance is dissatisfied with the outcome they can appeal.

**Initiate an investigation** – after hearing the full nature of the grievance the manager hearing the matter may decide that it needs to be investigated. They will inform the employee of this within 5 working days of the initial meeting using template [Letter 3](#) and arrange for an officer not connected with the case to carry out the investigation. This officer will investigate the matter, produce a written report and deliver this to the manager hearing the grievance.

The report will look into the facts surrounding the grievance and the investigator will interview all relevant parties involved before writing the report. This is a fact gathering exercise so the investigator will not make conclusions or recommendations for action as this is for the manager hearing the matter to decide. The investigator will not normally need to be present at the subsequent meeting.

The manager will recall the meeting, using the template [Letter 4](#). Where appropriate, a written report will be made available to the employee and manager who heard the matter at the informal stage, prior to the meeting, at the same time. The manager hearing the grievance will then seek to resolve the matter at this meeting, notifying both parties at the same time using the template [Letter 5](#).

After seeing the report and meeting with both parties the manager hearing the matter may resolve to consider mediation (see below).

**Mediation** – the manager hearing the matter may decide to initiate mediation. This may be after a report has been prepared or may be a resolution in its own right.

Mediation can only take place if all parties are in agreement. The HR Adviser will make arrangements for the mediation to take place and this outcome is notified to all employees involved in the mediation using template [Letters 6 and 7](#).

The outcome of any mediation is confidential between the parties concerned and the manager hearing the grievance will only be notified of whether agreement has been reached or not. Mediation seeks agreement by both parties to act in a manner that is acceptable so there is no appeal against this outcome so long as the mediator confirms that agreement has been reached.

Please note that electronic, audio or video recording by any device of the mediation meeting will not be permitted.

If there is no agreement between the two parties at mediation, the mediator will confirm this to the manager hearing the matter who will take this into account when coming to a decision. If dissatisfied with this decision the employee raising the grievance can appeal.

The Council maintains a list of appropriately trained and qualified mediators.

### **Appeal Stage**

If an employee is dissatisfied with the response from the manager or the mediation has not secured agreement, they may appeal to the Executive Director of the director area. This must be in writing and within 10 working days of receipt of the outcome of the meeting or confirmation from the mediator that mediation has not secured agreement.

A grievance appeal must be heard by at least a Head of Service or above not previously involved in the matter. The manager hearing the appeal does not need to be from the same Service area as the employee raising the grievance, although they may be.

In attendance at the appeal hearing will be the manager hearing the appeal, the employee, their representative, the manager who heard the matter at the formal

stage and an HR Adviser. All of the manager's notes of the previous meeting, reports and outcome letters will be provided to the manager hearing the appeal prior to the meeting

Whilst this is a formal process, in order to minimise unnecessary formality and apprehension, the electronic, audio or video recording by any device of such meetings and/or hearings will not be permitted. Should an employee think that there are exceptional circumstances where this should be allowed (for instance, due to a disability) this should be raised in advance with the person due to conduct the meeting, the chair of the hearing or the relevant HR Adviser. Due consideration will then be given to the request and the employee will be advised of the outcome of that consideration.

Where the nominated notetaker at meetings and/or hearings associated with the process feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

The decision of the manager hearing the appeal is final and the outcome will be notified to the employee and manager within 5 working days of the meeting.

## **RECORD KEEPING**

Managers will retain their own notes of the outcome and discussions of any informal discussions. These will be kept securely and not on an employee's personal file.

People Management will retain papers on any formal grievance or appeal for a period of 6 months.

## **ADVICE AND SUPPORT**

[Equality Act 2010 Guidance](#)

[Appendix 5 Dignity at Work Guidance](#)

[Harassment Advisers](#)

[HR Advisers](#)