

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

Agenda Item No. 6

meeting date: WEDNESDAY, 2 SEPTEMBER 2015
title: GRIEVANCE PROCEDURE
submitted by: HEAD OF HR
principal author: MICHELLE SMITH

1. PURPOSE

1.1 To make Members to aware of a revised Grievance Procedure.

1.2 Relevance to the Council's ambitions:

- Community Objectives: None.
- Corporate Priorities: In order to meet our objective of being a well managed Council, it is important that we have appropriate policies and procedures in place to ensure that staff are fit to carry out their duties and responsibilities at all times.
- Other considerations: None.

2. BACKGROUND

2.1 The Council has had a Grievance Procedure in place for a number of years and it has been reviewed in line with our regular schedule for the review and revision of all our staff policies and procedures.

2.2 ACAS guidance and HR best practice recommends the adoption of a Grievance procedure so that there is a formal process for staff to raise concerns on matters upon which they are aggrieved.

2.3 The Grievance Procedure is incorporated into staff contractual terms and conditions of employment via the Staff Handbook.

3 ISSUES

3.1 If an employee feels aggrieved about something, the first step is to try to resolve matters informally, but in cases where this cannot be achieved, it is important to have a clear procedure in place to deal with matters in an efficient and consistent manner. The Grievance Procedure provides the framework for doing so.

3.2 A revised and updated Grievance Procedure is attached at Appendix 1.

3.3 UNISON have been consulted on the procedure and support the latest revisions.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources: No implications identified.

- Technical, Environmental and Legal: A formal Grievance Procedure can be be a key document/procedure in managing staffing matters and in protecting the council from any potential claims from aggrieved staff.
- Political: No implications identified.
- Reputation: No implications identified.
- Equalities and Diversity – Having a formal procedure ensures that all staff are treated fairly and consistently.

5. **CONCLUSION**

- 5.1 The revised Grievance Procedure forms part of the bundle of Council policies and procedures that are contained within our Staff Handbook and incorporated into staff terms and conditions of employment.

MICHELLE SMITH
HEAD OF HR

JANE PEARSON
DIRECTOR OF RESOURCES

BACKGROUND PAPERS

APPENDIX 1
GRIEVANCE PROCEDURE

For further information please ask for Michelle Smith, ext 4402



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1. PURPOSE

- 1.1 This procedure is intended to enable a grievance to be resolved fairly at the earliest opportunity and at the lowest appropriate supervisory level. Before pursuing the formal grievance procedure, it is essential to distinguish whether the matter of concern has actually been raised as a grievance under the procedure or simply raised for clarification with management.
- 1.2 Under the ACAS Code of Practice a grievance is defined as a 'concern, problem or complaint that an employee raises with their employer', excluding any matters relating to pay or grade.

2. SCOPE

- 2.1 This procedure applies to all permanent and temporary, full and part-time employees.

3. GENERAL PRINCIPLES

- 3.1 All documentation and discussions at meetings held under this procedure are confidential.
- 3.2 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process.
- 3.3 All employees will have access to this procedure on the Intranet and will be provided with a copy on request. Any employee lodging a grievance at the informal stage will be provided with a copy of the procedure.
- 3.4 Every effort will be made to deal with your complaint as speedily as possible. Please remember that some cases need time to investigate fully. On your part we would ask you not to raise questions that are not related to your employment.
- 3.5 The employee may be accompanied, if he/she so wishes, by a fellow worker or branch Trade Union representative (or, where appropriate a Regional Officer) at the formal stage of the procedure.

If an employee cannot attend a meeting held under this procedure, the employee can suggest another date so long as it is reasonable and not more than five working days after the date originally proposed by the employer.

- 3.6 This procedure excludes matters relating to bullying and harassment complaints, which are covered by the Council's Harassment Policy.
- 3.7 Where time limits have unreasonably lapsed, the employee shall be entitled to continue to the next stage (subject to (3.8) below).
- 3.8 The parties may on occasion and by mutual agreement, modify the time limits referred to in this Grievance Procedure.

- 3.9 The procedure may, by agreement of the parties concerned, be used (where more than one individual has the same grievance) for settling a common grievance.
- 3.10 It is expected that a grievance will be raised as soon as possible and in normal circumstances, within one month of the event occurring.
- 3.11 This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the disciplinary appeal procedure as outlined in the Disciplinary Policy.

4. INFORMAL PROCEDURE

- 4.1 The employee should discuss the grievance with his/her immediate supervisor and/or manager.
- 4.2 The supervisor should reply orally as soon as possible and in any case within five working days.
- 4.3 If the complainant is dissatisfied with the reply he/she may then proceed to the next stage of the procedure.
- 4.4 It is recommended that these initial steps should be kept at a supervisory/managerial level.
- 4.5 If it is not appropriate for the employee to raise the grievance with his/her supervisor, then the employee should do so with their Head of Service or other senior nominated officer.

5. FORMAL PROCEDURE – STEP 1

- 5.1 If the employee continues to be aggrieved, he/she should set out the full nature of the grievance in writing, or on the form at Appendix A of this policy, within 10 working days of the original response. The employee or his/her representative should keep a copy. The grievance should then be forwarded to the Head of Service.
- 5.2 The Head of Service will arrange a meeting with the interested parties and a representative of the HR section normally within five working days. A note will be taken of the meeting and the decision, including the right of appeal, will be issued in writing within three working days.

The Head of Service may refer the matter back with appropriate comments or reject the grievance

- 5.3 If the Head of Service is the subject of the grievance, or in exceptional circumstances, the meeting may be chaired by another senior nominated officer.

6. FORMAL PROCEDURE – STEP 2 – APPEAL PROCESS

- 6.1 If the employee is not satisfied with the decision taken in respect of his/her grievance, he/she must, within five working days of the date of formal notification of the decision, inform the HR section, in writing, of his/her wish to appeal and the reasons for the appeal. He/she should also set out the evidence that will be presented in the appeal hearing. The employee must enclose a copy of the original statement of grievance (see Step 1 above) and any related documentation and decisions. No new evidence may be submitted beyond this point.

6.2 The HR section will then refer the matter to a Director or the Chief Executive who has not previously been involved in the process who will then consider the appeal. At this stage, if the Director or Chief Executive considers that evidence has been introduced that materially affects the nature of the original grievance, it may be referred back to Step 1 of this procedure.

6.3 An appeal hearing will be arranged, wherever possible, within 15 working days with the interested parties. Both parties will be required to exchange submissions 10 working days before the appeal hearing date.

The appeal procedure is outlined at Appendix B. The hearing will be documented and the decision will be issued in writing within three working days.

6.4 The decision of the Director/Chief Executive will be final and no further right of appeal or hearing will be allowed under this procedure.

7. GRIEVANCES RAISED WHERE DIFFERENT PROCEDURES HAVE ALREADY COMMENCED

7.1 Where a grievance is raised during the formal stages of a different procedure eg Disciplinary, Capability, and the grievance relates to matters already under consideration as part of that other procedure, this would normally be dealt with as part of that other procedure.

Signatures:

..... Chief Executive

..... Head of HR

..... UNISON Branch Secretary

GRIEVANCE FORM

Before completing and submitting your grievance in writing you should ensure that the following steps have been followed:

1. Have you discussed your grievance with your immediate supervisor and/or Manager as per the policy? YES/NO
2. If you are dissatisfied with the response you may then proceed to the next stage of the procedure.
3. If you continue to be aggrieved you or your representative should submit the grievance in writing to your Head of Service (or other Senior nominated Officer). You should ensure that you keep a copy of the form or written letter that is submitted.



Please note that if it is not appropriate to raise the grievance with your supervisor/manager, you should do so with your Head of Service or other senior nominated officer.

Employee Name		Job title	
Department		Supervisor/Manager	
<p>Please outline the basis of your grievance (please continue on an additional sheet if necessary)</p>			
<p>Please indicate if you are able to provide any supporting documentation (attach copies where possible)</p>			

I can confirm that this is a genuine grievance and is in no way being raised in a malicious manner.

Employee signature _____

Date _____

PROCEDURE TO BE FOLLOWED AT A GRIEVANCE APPEAL

General Principles:

1. The Employee has the right to be accompanied at the Appeal hearing by a work colleague or branch Trade Union representative (or, where appropriate, a Regional Officer).
2. A member of the HR team will be in attendance at the Appeal hearing to provide procedural advice.
3. The Chief Executive's PA (or another PA, if not available) will document the proceedings of the meeting.

Procedure:

1. The Director/Chief Executive will invite the employee or his/her representative and the Head of Service in that order, to make submissions and will ask questions of both parties.
2. The introduction of additional documentary evidence will not be allowed.
3. The employee or his/her representative and the Head of Service, in that order, will have the right to call witnesses, who will be available for questioning by both the employee and the Head of Service and by the Director/Chief Executive.
4. Witnesses will only remain at the meeting for so long as they are giving evidence or being questioned.
5. The employee or his/her representative and Head of Service will, in that order, have the right to make a final or closing statement to the Director/Chief Executive.
6. All parties will then withdraw and the Director/Chief Executive will consider the grievance and reach a decision.
7. If the Director/Chief Executive decides that further questions need to be asked, or clarification is required, the full meeting will be resumed.
8. When the Director/Chief Executive has reached a decision the employee and Head of Service will be asked to return to the meeting and the Director/Chief Executive will communicate the decision. The Director/Chief Executive will confirm that there is no further right of appeal.
9. The HR representative will issue the decision in writing to the employee, with a copy to the Head of Service and employee representative (where applicable), within three working days of the conclusion of the meeting.