

Grievance and Dignity at Work Procedure



Walsall Council

Version Control

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Purpose	To enable employees to raise workplace concerns including dignity at work issues and to enable managers to deal with grievances in a fair and efficient manner.		

This procedure links to:

- Appeals Procedure
- Attendance Procedure
- Confidential Reporting (Whistleblowing) Procedure
- Disciplinary Procedure
- Equality and Diversity Protocol
- Job Evaluation Procedure
- Mediation guidance
- Performance Procedure

This list is not exhaustive.

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1.0 Introduction

- 1.1 It is the approach 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.
- 1.2 This procedure enables employees to raise problems or concerns that they may have about work or their working environment, including dignity at work issues.
- 1.3 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.
- 1.4 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 automatically be considered as a formal grievance for the purposes of this procedure. 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. Reasonable adjustments will be made to enable disabled employees to fully participate in the procedure.

This procedure 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 their responsibilities for resolving issues as soon as possible and deal with concerns using a consistent approach.

- 1.5 Some matters relating to employment do not fall within the scope of this procedure and are dealt with under separate arrangements.

Out of scope of the Grievance and Dignity at Work Procedure are matters relating to:

- ❖ Use of or decisions made under the Disciplinary Procedure, Attendance Procedure, Performance Procedure or the Probation Process.
- ❖ Allegations of serious health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption or financial malpractice (Confidential Reporting (Whistleblowing) Procedure)
- ❖ Applications for grading, re-grading and appeals (Job Evaluation and Grading Procedure).
- ❖ Payroll matters affecting Income Tax, National Insurance, Pension, etc (via direct contact with HR) except where the grievance relates to service provision or standards rather than the nature of the payroll issue.
- ❖ Grievances raised by employees against Elected Members will be dealt with as set out in the Council's Constitution.

- 1.6 Where employees have concerns related to the above, they may not raise the matter under the grievance and dignity at work procedure. Complaints relating to the disciplinary, performance, or attendance procedures will normally be dealt through the hearing or appeals process of that procedure.
- 1.7 Repeat grievances will not normally be reconsidered if the same or similar matter has previously been raised and dealt with under this procedure. In these circumstances it is advisable for the manager to contact Human Resources for advice.

2.0 Scope of the procedure

- 2.1 This procedure applies to all Council employees with the exception of:
- school based employees, where the Governing Body has delegated authority
 - agency workers, contractors or external consultants

- 2.2 There are separate arrangements for dealing with grievances raised by employees against the Chief Executive, as well as procedures for dealing with grievances raised by the Chief Executive. In these circumstances the Council will adopt the JNC Local Authority Chief Executive Handbook model procedure.

3.0 Procedure

- 3.1 Every effort should be made to resolve grievances through an informal process.
- 3.2 A flowchart of the procedure can be seen in [Appendix 1](#).
- 3.3 All parties should ensure that grievances are dealt with promptly without unreasonable delay.
- 3.4 The concerns will be shared at the earliest opportunity with the other parties involved (for example the subject of the grievance) for the purpose of ensuring open and transparent communication.
- 3.4 At any stage in the procedure, following further enquiries, the manager may feel it is appropriate to invoke an alternative procedure (for example, the disciplinary procedure if the matter is considered to be harassment or bullying, or where the grievance is vexatious or malicious).

4.0 Informal stage

- 4.1 Where an employee has a complaint or issue arising from their employment, they should initially raise the matter with their immediate manager. Employees may choose to use the Grievance and Dignity at Work Form ([Appendix 2](#)) at this stage if they wish, although they do not have to. If they do not use the form they need to make it clear to the manager that they consider this to be at the informal stage of the grievance procedure. They also need to confirm what outcome they require to resolve their grievance.
- 4.2 The immediate line manager and employee should discuss the matter and the manager should take notes. 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.
- 4.3 If the grievance relates to an employee's manager the employee should raise the matter with the manager'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.
- 4.4 As the matter is informal any meetings will normally involve the employee and manager only.

- 4.5 All attempts should be made to resolve issues at the informal stage in the first instance. If the matter remains unresolved the employee may then move to the formal stage.

5.0 Formal stage

- 5.1 Any grievance should be in writing and the Grievance and Dignity at Work Form ([Appendix 2](#)) can be used for this purpose. However, 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, must include the actions taken so far, the outcome from the informal stage, and what outcome is required to satisfactorily resolve the issue. The written grievance should be given to the manager who dealt with the informal stage, who will forward it onto the next level of management.
- 5.2 That level of management will arrange a meeting to consider the matter with the complainant. Reasonable notice must be given for any meeting and the employee will have the right to be accompanied by a recognised trade union representative or Council work colleague. The manager who has met with the employee at the informal stage may also be asked to attend, with their notes of the previous informal meeting.
- 5.3 The manager considering the matter and employee will seek to resolve the grievance at this meeting. Possible outcomes may be:

Possible outcomes that the Manager may decide upon are:

- ❖ Move the matter back to the informal stage
- ❖ Uphold or reject the grievance
- ❖ Initiate an investigation
- ❖ Recommend mediation

5.3.1 Manager moves the matter back to the informal stage

This option will only be considered where the informal stage has not been exhausted.

5.3.2 Manager upholds or rejects the grievance

The outcome will be confirmed in writing to the employee. If the employee raising the grievance is dissatisfied with the outcome they may appeal.

5.3.3 Manager initiates an investigation

Once the full nature of the grievance has been established the manager considering the matter may decide that it needs to be investigated. They will inform the employee of this and arrange for an officer not connected with the case to carry out the investigation. In exceptional circumstances the investigation may be undertaken by a person external to the Council. The investigator will investigate the matter and report findings in writing to the manager considering 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 considering the matter to decide. The investigator will not normally need to be present at the subsequent meeting.

The manager will reconvene the meeting once the report has been received. The employee and manager who considered the matter at the informal stage will receive a copy of the report at the same time, prior to the meeting. The manager considering the grievance at the formal stage will then seek to resolve the matter at this meeting, notifying both parties of the outcome at the same time. The outcome will be confirmed in writing to the employee. If dissatisfied with this decision the employee raising the grievance can appeal.

The manager considering the matter may decide to consider mediation following the investigation, if relevant, and if not previously attempted at the informal stage.

5.3.4 Manager recommends mediation

The manager considering the matter may decide to recommend mediation, if relevant, and if not previously attempted at the informal stage. 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. An HR Advisor will make arrangements for the mediation to take place, although the cost of mediation will be funded by the respective service area.

The outcome of any mediation is confidential between the parties directly concerned and the manager considering the grievance will only be notified of whether or not agreement has been reached. 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.

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

6.0 Appeal stage

- 6.1 If an employee is dissatisfied with the response from the manager they may appeal in accordance with the Council's Appeals Procedure. The appeal must be made to the Head of Human Resources within 10 working days of the written outcome of the formal grievance, and must clearly state the grounds of appeal.

7.0 Record keeping

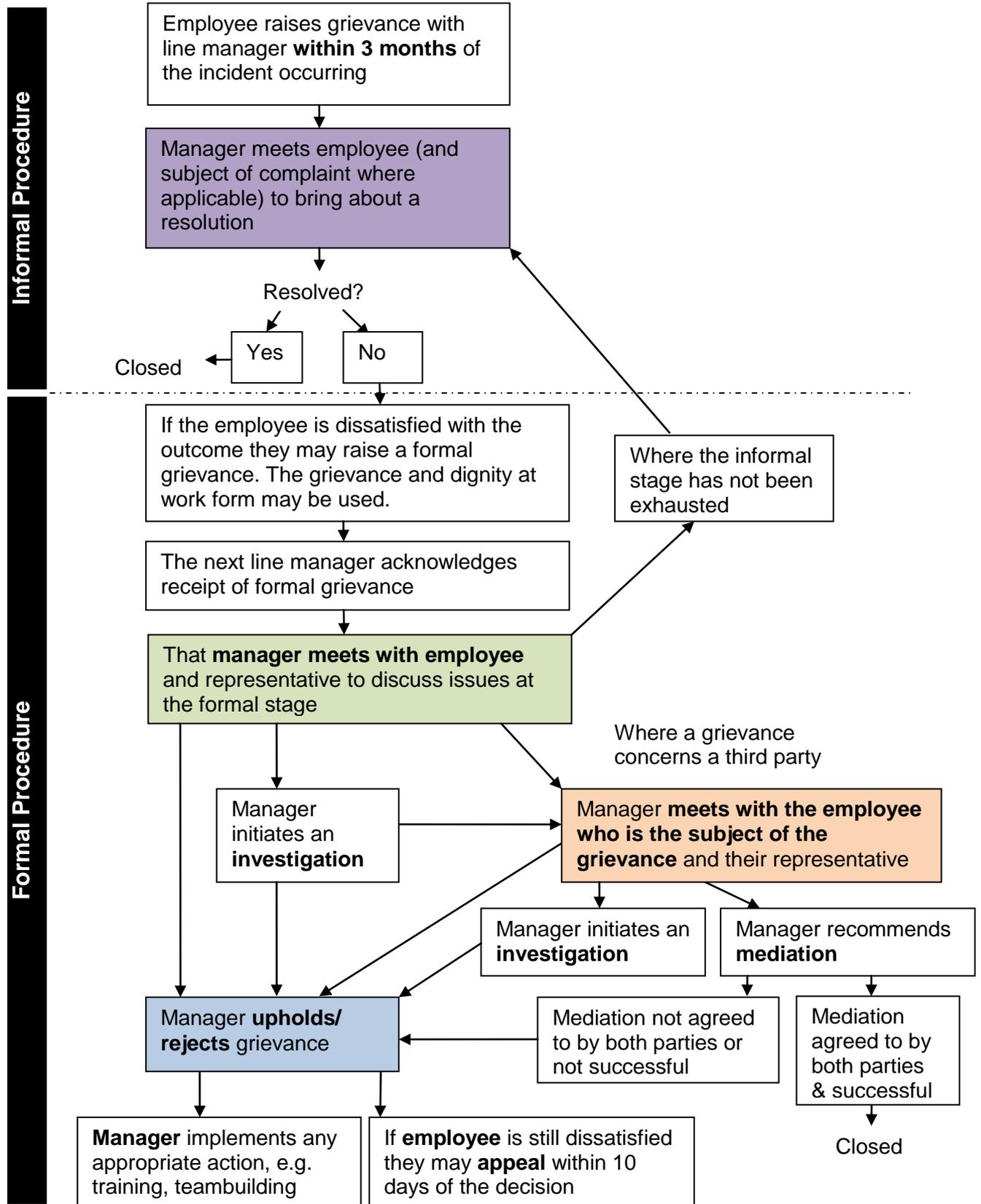
- 7.1 Managers will retain their own notes of the outcome and discussions of any informal procedure. HR will retain records on any formal grievance or appeal.

8.0 Collective grievances

- 8.1 A collective grievance is a grievance which is common to more than one employee. They will be dealt with in line with the procedure above.
- 8.2 Employees wishing to pursue a collective grievance should all be named in the Grievance and Dignity at Work Form ([Appendix 2](#)) and sign the form. Where there are more than two employees with a collective grievance the employees should nominate representatives to represent their interests at meetings throughout the process. The maximum number of nominated representatives shall be:

Number of employees with the collective grievance:	Maximum number of nominated representatives
2 to 5	1
6 to 15	2
16 and above	3

APPENDIX 1 - FLOWCHART



The disciplinary procedure may be invoked at any stage where there are conduct concerns.

APPENDIX 2 - GRIEVANCE AND DIGNITY AT WORK FORM

Please tick at which stage this form is being used;

 Informal Stage Formal Stage

Name:	Directorate:
Employee No:	Section:
Job Title:	Line Manager:
What is your grievance? (Please give dates/times/location of incidents and names of any witnesses, where appropriate)	
What action have <u>you</u> taken to resolve this issue?	
What action has been taken so far, who has considered it and what was the result?	
What is the outcome that you require to resolve your grievance?	

Signed

Date

Please forward this onto your line manager retaining a copy for yourself.