

Change to the Grievance and Collective Grievance Policy

SUMMARY

- 1.1 The Grievance and Collective Grievance Policy was introduced in February 2014 reintroducing Member appeals. In error the Member appeal was added to the process rather than replacing the existing appeal process, this resulted in a four stage grievance procedure.

RECOMMENDATION

- 2.1 To approve the Grievance and Collect Grievance Policy reverting to a three stage procedure, including Member Appeal.

REASONS FOR RECOMMENDATION

- 3.1 Historically, the grievance procedure at the Council has always been a three stage process.
- 3.2 Introducing a fourth stage prolongs the grievance procedure unnecessarily. The Unions have been consulted on the change and agree that the Council should revert to a three stage process, with the third stage being Member appeal.

SUPPORTING INFORMATION

- 4.1 None

OTHER OPTIONS CONSIDERED

- 5.1 Keep a four stage grievance procedure.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Janie Berry Martin Marples Diane Sturdy Steve Sprason Karen Jewell Nikki Gibbons
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For more information contact: Background papers: List of appendices:	Tina Holmes 01332 643894 tina.holmes@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Grievance and Collective Grievance Policy v2.1
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IMPLICATIONS

Financial and Value for Money

- 1.1 Potentially have a four stage grievance procedure would cost the Council more in terms of working hours lost.

Legal

- 2.1 None.

Personnel

- 3.1 None

IT

- 4.1 None

Equalities Impact

- 5.1 The existing EIA does not need up dating.

Health and Safety

- 6.1 None

Environmental Sustainability

- 7.1 None

Property and Asset Management

- 8.1 None

Risk Management

- 9.1 None

Corporate objectives and priorities for change

- 10.1 To develop a skilled and motivated workforce (Council Plan)



Derby City Council

Grievance and Collective Grievance Policy

Purpose

The Grievance and Collective Grievance Policy aims to protect the interests of employees and the Council by ensuring that all grievances are considered promptly, fairly and consistently by the appropriate level of manager. It is designed to promote and maintain positive working relations.

Document Control

Implementation date	February 2014
Author	Tina Holmes
Equality impact assessment date	25 November 2010
Revised/updated	Addition of collective grievance 2014 July 2014 amendment to appeals procedure
Version control	2.1

1. Policy application

1.1 This policy applies to all Council employees except:

- The Chief Executive and Chief Officers, or where a grievance is about the Chief Executive or Chief Officers, for whom there are separate provisions.
- Where a grievance is raised after an employee has left the Council's employment.
- Governing bodies of Community, Voluntary Controlled and Trust Schools, are strongly urged to adopt this policy for non-teaching staff within their delegated powers.

1.2 The policy is designed to cover work related concerns such as;

- interpretation of terms and conditions of employment
- health and safety
- new working practices
- working environment
- harassment, discrimination, victimisation and bullying on grounds of age, disability, gender or gender identity, race, religion or belief or sexuality
- unacceptable behaviour by other employees.

1.3 The policy does not cover the following situations which are covered by separate policies and procedures;

- recruitment and selection complaints
- re-grading and other grading related issues
- consultation, restructuring and redundancy
- disciplinary and dismissals
- managing attendance
- managing individual capability
- flexible working
- disputes.

2. Principles

2.1 All employees have the right to express a grievance relating to their employment. These may be raised by an individual, a couple of individuals or collectively where a group or groups of employees are affected, by the same work related issue.

2.2 If two or more employees have an identical grievance they can use this policy to raise a collective grievance. Where a collective grievance is raised the employees can either use their trade union representative to raise the grievance or nominate one person to act on their behalf. Employees using this procedure collectively cannot then raise an individual grievance on the same issue.

- 2.3 All grievances should be dealt with informally in the first instance.
- 2.4 Managers will deal with an employee(s) complaint reasonably and helpfully. Employees will not use the grievance procedure to challenge reasonable management actions or requests.
- 2.5 Grievances should be dealt with at the first level of management, unless this is deemed inappropriate and as quickly as possible. It is the responsibility of all involved to co-operate fully with the grievance process to resolve the issue as quickly as possible.
- 2.6 Mediation should be considered at all stages but particularly before progressing from the informal to formal stage of the process.
- 2.7 All parties will be expected to show what steps they have taken to achieve a reasonable solution to the problem prior, to progression to the formal stage.
- 2.8 Employees have the right to be accompanied by another employee of the Council, or trade union representative.
- 2.9 Reasonable adjustments will be made to support employees where needed.
- 2.10 In order to prevent delays, grievances that are submitted in relation to another Council process will be heard as part of that case.
- 2.11 The internal grievance process will contain no more than three stages as follows:
- Informal Stage
 - Formal Stage
 - Member Appeal Stage (This is the final stage of the grievance process)
- 2.12 In the case of collective grievances the process can start at the formal stage subject to the agreement of management and the employee representative.
- 2.13 Outcomes of any grievance may include referral to the Disciplinary and Dismissals Policy.
- 2.14 Employees are expected to follow the Council's Code of Conduct in any part of this process.

3. Support and guidance

- 3.1 A full description of the process including guidance, supportive information and documentation is on iDerby, under Human Resources: [Grievance Page](#)

4. Roles and responsibilities

- 4.1 The roles and responsibilities of key stakeholders are summarised in Appendix One.

APPENDIX ONE

Please note that 'normal working days' refers to the normal working pattern for that role.

Chief Executive & Chief Officers, Tiers 1 & 2	Head of Service Tier 3	Managers	Employee	Human Resources
Every employee must use the procedure and guidance on iDerby				
Fairness and equality				
To ensure this policy is implemented in a fair, consistent and non-discriminatory manner	To ensure this policy is implemented in a fair, consistent and non-discriminatory manner	To provide reasonable adjustments as required	To notify managers of reasonable adjustments required	Provide advice and guidance to managers and employees
General operation of the scheme				
<p>Ensure the policy is implemented in a fair, consistent and non-discriminatory manner</p> <p>Ensure managers carry out their responsibilities</p> <p>Acknowledge grievance within two working days</p>	<p>Ensure the policy is implemented in a fair, consistent and non-discriminatory manner</p> <p>Ensure managers carry out their responsibilities</p> <p>Acknowledge grievance within two normal working days</p>	<p>Ensure that grievances are responded to in a timely manner.</p> <p>Acknowledge grievance within two normal working days</p>	<p>Make every effort to attend meetings as arranged or offer a reasonable alternative, normally within five normal working days of the original date</p>	<p>Provide advice and guidance to managers and employees</p>
Raising a grievance				
<p>Receive informal verbal or written complaint</p> <p>Receive formal grievance form</p>	<p>Receive informal verbal or written complaint</p> <p>Receive formal grievance form</p>	<p>Receive informal verbal or written complaint</p>	<p>Raise issue informally with manager, verbally or in writing</p> <p>Complete grievance form to raise formal grievance</p>	

Chief Executive & Chief Officers, Tiers 1 & 2	Head of Service Tier 3	Managers	Employee	Human Resources
Every employee must use the procedure and guidance on iDerby				
Informal Resolution				
Follow the informal grievance process Advise employee(s) of outcome Consider mediation		Follow the informal grievance process Advise employee(s) of outcome Consider mediation. For collective grievances this should be in liaison with the groups' representative	Participate in the informal process Consider mediation	Provide advice and guidance to managers and employees as required
Formal Resolution				
Acknowledge formal grievance Decide if appropriate to progress through grievance process Decide if formal or informal resolution is appropriate Forward grievance for informal resolution to appropriate manager	Acknowledge formal grievance Decide if appropriate to progress through grievance process Decide if formal or informal resolution is appropriate Forward grievance for informal resolution to appropriate manager	Follow informal grievance resolution if directed Participate in formal grievance resolution process Attend grievance meeting if appropriate Consider using mediation at any stage Provide reasonable	Consider informal grievance resolution process Participate in formal grievance resolution process Consider mediation Notify managers of reasonable adjustments required.	Provide advice and guidance to managers and employees. If collective grievance consider the wider implications of the grievance

Consider using mediation at any stage Follow formal grievance resolution procedure	Consider using mediation at any stage	adjustments as required Give minimum of five working days notice, of grievance meeting	Attend grievance meetings and arrange for companion to be present	
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Chief Executive & Chief Officers, Tiers 1 & 2	Head of Service Tier 3	Managers	Employee	Human Resources
Every employee must use the procedure and guidance on iDerby				
Formal Resolution continued				
Attend grievance meeting if appropriate	Follow formal grievance resolution procedure Attend grievance meeting			
Document Retention				
Ensure documents are treated in confidence and in line with Council's data protection and IT policies	Ensure documents are treated in confidence and in line with Council's data protection and IT policies	Ensure documents are treated in confidence and in line with Council's data protection and IT policies	Keep a copy of documents and decision letters	Ensure documents are treated in confidence and in line with Council's data protection and IT policies Ensure information is processed through the HR IT system and that key documents are placed on the employee's personal file

Chief Executive & Chief Officers, Tiers 1 & 2	Head of Service Tier 3	Managers	Employee	Human Resources
Every employee must use the procedure and guidance on iDerby				
Formal Resolution continued				
Attend grievance meeting if appropriate	Follow formal grievance resolution procedure Attend grievance meeting			
				Keep a copy of documents and decision letter in case file