



Dealing with complaints of bullying, harassment, victimisation and discrimination at Derby City Council

INTRODUCTION

- 1.1 “The Council is committed to equality of opportunity and to creating and promoting a harmonious working environment where everyone is treated with fairness, respect and dignity.”

“The Council recognises the significant damaging effects that harassment can have on individuals in their personal, social and work life.”

“The Council will not accept any of its employees harassing, discriminating against, victimising or bullying their colleagues or members of the public using our services. The Council expects everyone to comply with these principles and to treat both their colleagues and members of the public with respect and dignity.”

“All employees at every level have the right to challenge behaviour that is causing concern or offence without fear or reprisal.”

“The Council expects all managers to promote a safe working environment and do everything they can to make sure no employee is harassed.”

- 1.2 All of these statements are taken from the Council’s policy statement on bullying, harassment, victimisation and bullying. The same principles are re-emphasised in the Employee Code of Conduct and Behaviour.
- 1.3 Both of these documents are available to employees through the Personnel Handbook and on Derbynet. The Code of Conduct is also issued to all new employees as part of their contractual statement.
- 1.4 There is therefore no excuse for employees to claim that they were unaware of the behaviour expected from them or of the action that the Council would take in response to allegations of bullying, which includes disciplinary action when such allegations are proved.

BACKGROUND

- 2.1 Until June 2007, the Council had a Fairness At Work policy which set out a procedure to be followed for making and dealing with a complaint of bullying or harassment. This policy sat alongside the Grievance Procedure which we were required to have both by the statutory Dispute Resolution Regulations and the “Green Book” of national conditions of service for employees.

2.2 The existence of both policies created some difficulties in that:

- employees were confused over which policy to use
- both policies contained essentially the same procedure but then took different routes at the appeals stage
- occasionally employees who failed to get the desired outcome through one policy would then use the other to get a “second bite”.

2.3 As a result we withdrew Fairness at Work and substituted it with the policy statement referred to earlier, and a revised Complaints and Grievance Procedure. A copy of this procedure is attached to this paper.

DEALING WITH A COMPLAINT OF BULLYING AND HARASSMENT

3.1 The Complaints and Grievance Procedure sets out the steps that should be followed when a manager receives a complaint. Until the recent repeal of the Dispute Resolution Regulations, if the complaint was received in writing it had to be dealt with through the formal hearing process. However there is now more flexibility and a greater emphasis on dealing with issues at a more informal level before resorting to formal stages.

3.2 The procedure in itself does not rule out the need for the person receiving the complaint to exercise some judgement on how to approach it. For example, a manager may be attempting to improve some element of an employee's performance but this is perceived by the employee concerned as unnecessary pressure. A significant proportion of the complaints received would fall into this category. In such cases it may be appropriate to try to seek an informal solution.

3.3 Similarly, the employee making the complaint will have a view on the action required which should be taken into account. It may be that the complainant wants the behaviour complained of to stop and will be happy if this is achieved by informal action. On the other hand, a complaint may be so serious that there is no choice but to proceed to the formal process.

3.4 Under the formal process, an investigating officer is appointed. It is the investigator's responsibility to interview the complainant, the perpetrator and any witnesses. This evidence is then presented at a hearing chaired by an appropriate senior manager together with a recommendation as to whether there is a case to answer or not. If there is a case to answer, the chair at the hearing must decide what action should be taken. The complainant has a right to appeal to Elected Members if they are unhappy with the outcome either because their complaint has been dismissed or because the action recommended is felt to be inadequate.

- 3.5 Where possible, during the course of an investigation, we would seek to separate the complainant and alleged perpetrator from one another. The trade unions take the view that it is the alleged perpetrator who should be moved and the spirit of natural justice would support this. However this is not always possible. For example, a manager of a large team may have been the subject of a complaint from only one employee. It would be difficult on that basis to justify moving the manager and have them manage the team at a distance.
- 3.6 Our procedure also recognises that complaints of this nature can be very stressful and signposts employees to support mechanisms such as their trade union or the Council's telephone counselling service Care First.

THE WAY FORWARD

- 4.1 As mentioned earlier in this paper, bullying and harassment complaints can often be as much about perceptions as reality. As such regardless of the outcome the parties involved rarely feel entirely satisfied and a sourness remains in the workplace.
- 4.2 The new ACAS code introduced after the repeal of the Dispute Resolution Regulations places greater emphasis on dealing with disputes before they escalate to the formal stages. A way of achieving this and producing solutions in which all parties can accept the outcome is through mediation.
- 4.3 At the time of writing, a business case is being developed to establish a project to introduce access to mediation in cases where it is felt it would contribute to resolution of a complaint. The project will seek a model for the use of mediation and make this available to departments together with some pump priming money to encourage its take up
- 4.4 Mediation would see a third party mediator acting to bring the complainant and alleged perpetrator together to discuss the issues, and jointly find a solution which would enable the employment relationship to continue and reduce the costs, both financial and emotional, of formal proceedings.

CONCLUSION

5. Complaints of bullying and harassment are relatively uncommon – there were ten during the period April 2008 to March 2009. Even so they are always taken seriously and in the last two years two senior officers have been dismissed for serious and persistent bullying, sending out a clear message across the Council that this is unacceptable.



Complaints and Grievance Procedure

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DERBY CITY COUNCIL

GRIEVANCE PROCEDURE

SCOPE AND PURPOSE

- 1.1 The Council has adopted this procedure with the aim of settling complaints and grievances consistently and speedily and as near as possible to the point of origin.
- 1.2 This procedure has been drawn up to include the statutory minimum requirements of the Employment Act 2002 and the Disputes Resolution Regulations 2004, as well as equalities legislation and statutory equality duties.
- 1.3 The Council has consulted Departmental HR Officers and the recognised trade unions and employee networks on this policy and procedure. It is included in the Personnel Handbook and summarised in the Employee Handbook.
- 1.4 Subject to the exemptions at 2.1 to 2.10, both employees and managers must follow this procedure when an employee raises a relevant complaint. If the procedure is not started or finished satisfactorily, this may affect the outcome of any subsequent employment tribunals.
- 1.5 Any exceptions to this procedure may only be made at the discretion of the Assistant Director - Human Resources. This will be in exceptional circumstances only.

Definition

- 1.6 The Regulations define a grievance as “a complaint by an employee about action which his employer has taken or is contemplating taking in relation to him”.

For the purposes of this procedure a relevant complaint includes unacceptable behaviour on the part on one employee towards another. This includes bullying, harassment, discrimination and victimisation on the grounds of age, disability, gender or gender identity, race, religion or belief or sexuality.

- 1.7 Issues that may cause grievances include:
 - 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

Principles

- 1.8 This procedure applies to all Council employees except those employed under the delegated powers of governing bodies of community and voluntary controlled schools. Governing bodies of these schools are strongly urged to adopt this policy for non-teaching staff.
- 1.9 Support is available to all parties involved in the case through the Council's Employee Assistance Programme.
- 1.10 When a disabled employee is involved in this procedure we will make any reasonable adjustments needed so that they are not treated less favourably.
- 1.11 All parties, including witnesses and representatives, must maintain absolute confidentiality at all times.
- 1.12 This procedure does not affect an employee's right to complain to an Employment Commission or to apply to an Employment Tribunal. However employees will have their complaint to a tribunal rejected unless they have first used this internal grievance procedure.
- 1.13 All employees at every level have the right to lodge grievance and to have it considered under this procedure.
- 1.14 In normal circumstances, while the employee is pursuing the grievance, the circumstances around it should stay the same as they were before the grievance was raised. In exceptional situations an Assistant Director, in consultation with the Assistant Director, Human Resources, may change these circumstances before the grievance is settled. In cases involving harassment, discrimination, victimisation or bullying consideration must be given to maintaining a safe working environment. This may involve making some changes. If changes are required the reasons for them need to be carefully explained to the parties involved to avoid the perception that employees are being "punished" for raising a grievance.

EXEMPTIONS

- 2.1 Most grievances will be dealt with under this procedure. However, certain exemptions apply. These include . . .
- 2.2 Regrading applications including the outcome of job evaluation
These will be dealt with under the Council's Regrading Procedure and/or procedures for handling the outcomes of job evaluation.
- 2.3 Complaints received from job applicants about the recruitment and selection process
These will be dealt with through the Recruitment Complaint Procedure.

- 2.4 Outcomes of disciplinary cases
These will be dealt with under the appeal mechanisms within the Council's Disciplinary and Dismissals Procedure.
- 2.5 Outcomes of the Council's Attendance Management, Ill Health, and Improving Employee Performance policies and procedures
These will be dealt with under the appropriate appeals mechanism within these procedures.
- 2.6 Actual or potential redundancy
These will be dealt with through the Disciplinary and Dismissal Procedure.
- 2.7 Concerns raised as a result of Public Interest Disclosure Act 1998
These will be dealt with through the Council's Confidential Reporting Code.
- 2.8 Matters affecting groups of unionised employees
Where the grievance involves two or more employees who are members of a recognised trade union, the appropriate representative should raise the grievance on their behalf, through the normal negotiating machinery.
- 2.9 Where there is a dispute
These may arise from communication or consultation breakdowns, or unilateral action on the part of the Council or employees. These will be dealt with through the Council's Settling Disputes Procedure.
- 2.10 Harassment by other people
Employees may experience harassment from councillors, members of the public or service users, school governors, agents, contractors and sub contractors. There are separate procedures for dealing with complaints of this nature

TIMESCALES

- 3.1 Employees must submit a grievance as soon as is practical within three months of the latest incident that gave rise to the complaint. This time limit may be extended only at the discretion of the Assistant Director - Human Resources and only in exceptional circumstances.
- 3.2 Each step and action taken under this procedure must be carried out without unreasonable delay. If it is not possible to respond to the employee within the specified timescales, the manager must explain the reasons to the employee and notify them of the new timescales that apply.
- 3.3 An employee considering applying to an employment tribunal should seek advice from an Employment Tribunal Office, their trade union or companion about the relevant time limits for making a tribunal application.

STAGES IN RESOLVING A GRIEVANCE

4.1 Raise informally by discussion

- 4.1.1 Employees should always try to raise grievances informally first by discussing it with their line manager. This has the advantage of resolving the problem quickly and at the earliest possible stage. It is also beneficial to use a positive working relationship between a manager and employee as the basis for constructive discussion.
- 4.1.2 In exceptional circumstances, when an employee feels unable to do this, they may contact another manager within the departmental structure.
- 4.1.3 Line managers have a responsibility to try and resolve the grievance informally at this stage, and should respond verbally as soon as possible. They should make a diary note of the discussion.
- 4.1.4 It may be appropriate to offer mediation at this stage to prevent a situation escalating. This should be discussed with the Departmental HR Officer as there will be financial implications for the department.
- 4.1.5 Either the employee or line manager can obtain advice about the grievance from their Departmental HR Officer.

Formal Grievance

4.2 Stage One Lodging a formal written grievance

- 4.2.1 If the employee feels that informal attempts to resolve the grievance, including mediation, have been exhausted or have not worked they should raise it formally in writing with their Head of Service. If the grievance is about the Head of Service they should raise it with their Assistant Director

The Council would prefer employees to use the grievance form in Appendix 1, which is also available from Departmental HR Officers and electronically on the Council's intranet in the Document Library. Disabled employees may need to use a method which makes the procedure more accessible to them

- 4.2.2 Where more than one employee is lodging the same grievance, and they are not members of a recognised trade union, they may either:
 - lodge individual grievances, or
 - appoint a representative to present the grievance through this process on their behalf.

The representative should make it clear on the grievance form that they are acting for two or more employees. Each employee must state their name and sign the form, clearly giving their consent for the representative to act on their behalf.

Managers should also be aware that a complaint contained within a memo, e-mail or other written method could constitute a formal grievance. Managers should treat complaints received by alternative methods as a formal grievance unless they have written confirmation that this was not the employees intention. Discrimination questionnaires are specifically excluded in this context.

4.3 Stage Two Grievance Hearing

4.3.1 The Head of Service will acknowledge receipt of the employees grievance within two working days of receiving the grievance form. If the complaint concerns inappropriate behaviour by another employee that employee must be informed immediately and a statement in response to the allegation should be obtained.

4.3.2 The Head of Service will arrange a hearing with the employee and where appropriate the employee being complained about to discuss and seek resolution of the grievance

4.3.3 Grievances are sometimes very complex and may require the hearing to be adjourned to allow an investigation to take place.

The Head of Service should nominate an independent manager, Departmental HR Officer or other representative to look in to the grievance. It is important that the investigating Officer has the necessary skills to perform this task particularly if the behaviour complained of contains an equalities dimension.

4.3.4 If the complaint concerns inappropriate behaviour by another employee that employee must be informed immediately and a statement in response to the allegation should be obtained.

4.3.5 Employees who are asked to give statements in the investigation must be advised that these same statements may also be used in any subsequent disciplinary procedures.

4.3.6 In order to comply with the statutory timescales the initial hearing should be held within 28 calendar days of receiving the grievance form. Any subsequent investigation and reconvened hearing should be completed within 12 weeks. If this is not possible the complainant and the person complained about should be advised of any extension to this timescale and the reasons for it

- 4.3.7 The Departmental HR Officer or a nominated representative must attend the hearing in an advisory capacity at this stage of the procedure.
- 4.3.8 The employee must take all reasonable steps to attend this hearing.
- 4.3.9 Either party may bring witnesses to the hearing in support of their case, provided they have notified the Head of Service before the hearing. The names of witnesses are to be notified to both sides in advance.
- 4.3.10 The Head of Service must use the grievance hearing procedure in Appendix 2.
- 4.3.11 At the conclusion of the hearing, the Head of Service should respond to the grievance. The response must be confirmed in writing within seven calendar days, wherever possible.
- 4.3.12 The outcome of any hearing involving allegations of harassment, discrimination, victimisation and bullying must be notified to the person being complained about.
- 4.3.13 All written notification of responses should be made using the Head of Service/Assistant Director response section of the grievance form, and copies sent to the employee and the Departmental HR Officer.

4.4 Stage Three Appeal to Elected Members

- 4.4.1 If the employee still feels aggrieved, the grievance may be submitted to elected members. They should do this by writing to the Director of Corporate Services within 14 calendar days of receiving the written notification of the outcome of the appeal at Stage Three.
- 4.4.2 The employee must clearly state in the letter why they are dissatisfied with the response to the grievance and include a copy of the written grievance and the response.
- 4.4.3 The Director of Corporate Services will acknowledge the employee's letter, and must arrange a hearing within 28 calendar days of receiving it. In a case of alleged harassment, discrimination, bullying or victimisation the person complained about must also be notified.
- 4.4.4 The Director of Corporate Services will decide the membership of the Employee Appeals Sub Committee in accordance with the Council's Officer Employment Procedure Rules.

- 4.4.5 The employee and the Council's representative will both be required to submit their written statement of case at least seven calendar days before the appeal hearing. This should include the names of any witnesses to be called, and copies of any documents that will be presented at the appeal. The hearing may be deferred if documents are not submitted within this timescale.

Appeal hearing

- 4.4.6 All appeal hearings must be run in accordance with the procedure described in Appendix 2.
- 4.4.7 The Assistant Director - Human Resources, or a nominated personnel officer, must attend the appeal hearing in an advisory capacity.
- 4.4.8 No person acting as an adviser at a grievance hearing at Stage Two will advise at an Appeal hearing.
- 4.4.9 The employee must take all reasonable steps to attend this hearing.

Outcome of Appeal

- 4.4.10 Elected members will determine the most appropriate course of action. This may be:
- that the appeal is justified. The department will be advised of the action to take to resolve the grievance
 - that the appeal is not justified. The decision is confirmed.
- 4.4.11 Elected members should advise the employee of the outcome of the appeal at the end of the hearing, and confirm it in writing within seven calendar days.
- 4.4.12 In cases involving allegations of harassment, discrimination, bullying or victimisation the person complained about must also be notified of the outcome in writing.
- 4.4.13 The elected members' decision is final and there is no further appeal mechanism within this procedure. This is the final stage of the Council's internal Grievance Procedure.

THE RIGHT TO BE ACCOMPANIED

- 5.1 All participants may have one companion with them at all stages of the procedure, including the informal stage. This may be either a trade union representative or a solicitor or colleague or friend. This is in addition to any support needed such as language and BSL interpreters or any other support or reasonable adjustments needed under the Disability Discrimination Act.

- 5.2 Employees should be advised of this right before any action is taken under this procedure.
- 5.3 Before any hearing, the employee should confirm in writing who they have chosen as their companion, and advise of the need for any additional support or reasonable adjustments as defined in 1.10 and 5.1. This will allow the chair of the hearing to make any necessary adjustments.
- 5.4 Colleagues acting as companions who are not trade union representatives can take a reasonable amount of paid time off to prepare for and attend a hearing. This must be agreed in advance with the companion's manager, who will consult with the Departmental Personnel Officer, if time off cannot be agreed.
- 5.5 The chair of the hearing should consult with the employee's chosen companion about the date and time of the hearing.
- 5.6 If the employee wishes, the companion can:
- put the employee's case
 - question witnesses
 - sum up the employee's case
 - respond on employee's behalf to any view expressed.
- The companion cannot:
- address the hearing, if the employee does not wish it
 - prevent managers from explaining their case
 - answer questions on the employee's behalf.
- 5.7 Colleagues do not have to accept a request to act as a companion to an employee, and should not be pressurised to do so.

DEFERRING A HEARING

- 6.1 Before a hearing, any party may request a postponement or rearrangement. The chair of the hearing will consider the validity of the reasons for the request, when deciding whether or not to rearrange any hearing.
- 6.2 Any postponement must not exceed 14 calendar days, except in the case of a deferral on medical grounds. Legitimate reasons for postponing or rearranging hearings include:
- to obtain trade union or other representation or a companion
 - to give individuals additional time in which to gather information
 - to make sure key witnesses are available
 - to avoid pre-booked holidays

- to avoid obligatory absences such as jury service
- bereavement
- to make reasonable adjustments for a disabled employee
- medical grounds. A standard letter is attached at Appendix 4 for the employee to take to their doctor, to request confirmation whether or not the employee is fit to attend. The Council will reimburse the cost of the medical certificate. If the absence exceeds 14 calendar days, the Council may seek advice from the Occupational Health Service on whether the employee is fit to attend.

6.3 Legally, the Council is obliged to rearrange the hearing only once. If it falls through a second time for unforeseeable reasons, neither party will be under any further obligation under the statutory procedures. However, this does not mean that the process stops. The Council will decide the most appropriate way to proceed and will inform the employee and their companion accordingly.

EMPLOYEE SUPPORT

- 7.1 The Council recognises that grievance cases unfortunately may involve an unavoidable element of stress and anxiety for those involved. Trade union members should seek support from their trade union who will support and represent them in grievance cases.
- 7.2 In addition, all employees involved in this procedure, including witnesses and colleagues acting as companions, can access the Council's Employee Assistance Programme at any stage of this procedure.
- 7.3 The Employee Assistance Programme is a telephone advice and support service which will also provide face to face counselling if requested. The Employee Assistance Programme can be contacted free on 0800 505 3921 or 0800 161 3289 or minicom 08005053924

AFTER A GRIEVANCE

Subsequent disciplinary action

- 8.1 If it becomes evident, once the grievance process has been completed, that disciplinary issues are involved, the chair of the hearing should refer the matter to the relevant Director or Head of Service/Assistant Director.
- 8.2 Documents from the grievance procedure, such as witness statements or statements of case, may be used in any subsequent disciplinary proceedings. Depending on the case, these may need to be supplemented, if they are insufficient.

Review

- 8.3 Any recommendations agreed at the completion of the grievance process must be implemented within the stated timescales.

Mediation

- 8.4 It may be appropriate to offer mediation as a way of resolving a grievance. Mediation is most likely to be effective before formal action is started and attitudes become entrenched. However there is no reason why mediation could not be the outcome of a formal hearing or an appeal if all the parties to the grievance are in agreement.

RELATIONSHIP WITH DISCIPLINARY AND DISMISSALS AND IMPROVING EMPLOYEE PERFORMANCE

- 9.1 It is possible that an employee may raise a grievance as a result of proceedings under the Disciplinary and Dismissals **or** Improving Employee Performance. For the purposes of this section, these will be referred to as “other procedures”
- 9.2 The Council’s response to this will be determined by two considerations:
- the relevance of the grievance to the other procedures
 - the stage at which the grievance is lodged in relation to those other procedures.
- 9.3 When a grievance is lodged, the other procedures may be deferred but this is not automatic.
- 9.4 If the grievance is not related to the other procedures, the grievance may be dealt with separately.
- 9.5 If the grievance relates directly to the other procedures, the Council may deal with the grievance as part of those procedures. This will only be where the employee has not lodged an appeal under those procedures.

GRIEVANCES AFTER EMPLOYMENT HAS ENDED

- 10.1 If an employee who has left the Council lodges a grievance, normally the procedure described in Section 4 applies.
- 10.2 However, if both parties agree in writing, a shorter two-stage procedure may be used if either of these circumstances apply:
- the Council was not aware of the complaint before the employment ended, or

- the Council was aware of the complaint, but the complaint procedure had not been started, or had not been completed, by the time the employment ended.

Step One – the ex-employee must write to their former Director stating the nature of the alleged complaint.

Step Two - the Director must then set out a written response and send to the ex-employee, which should be received within 28 calendar days.

DOCUMENT RETENTION

- 11.1 When the Grievance Procedure has ended, whatever the outcome, including incomplete investigations, the investigator and/or chairs of hearings at each stage must make sure that all copies of documentation relating to the grievance case are sent to the Departmental Personnel Officer.
- 11.2 All documents relating to grievance cases must be retained in accordance with the Data Protection Act 1998.
- 11.3 One copy of all documentation relating to each case must be stored for six years from the date of completion of the case, in accordance with the Council's Retention Schedule and the Limitations Act. This is in case of any legal proceedings and is irrespective of the outcome, including incomplete investigations. If legal proceedings have been instituted within that six years, the information may be stored on the legal file for longer.

MONITORING

- 12.1 For the Council to comply with equalities legislation, and achieve the Equalities Standard for Local Government, the Departmental HR Officer must complete the case summary monitoring form at Appendix 4 for all grievances. One copy should be retained on the case file and one copy forwarded to the Corporate HR Adviser - Operations. This will be used anonymously for equality monitoring purposes. The Council will check for disparities among groups and, where they do occur, we will take action to address the problem.
- 12.2 A report on the results of monitoring grievances will be brought to Corporate Joint Committee and the Black, Disabled and LGBT Employee Support Networks.

GRIEVANCE FORM

Please read the grievance procedure before you fill in this form. This contains further guidance which will assist you

You should complete this form if you have tried to sort out your grievance informally and this hasn't worked, or if you feel the grievance is too serious to deal with informally.

Please provide as much detail as you can about your grievance by answering the questions on this form.

Once you have completed this form you should send it to your Head of Service. They will acknowledge receipt of the form and arrange a hearing with you.

Wherever possible this hearing will be within 28 calendar days of receiving your form, but this may need to be extended if we need to do some fact-finding beforehand.



All information will be treated in confidence, in accordance with the Data Protection Act 1998 and used for employee management purposes. It may be shared with personnel sections for monitoring and auditing of management processes and will be stored securely on the file relating to your complaint.

Your details

Name

Home address

Job title

Section

Department

Telephone/minicom

evening

Details of your grievance

What is your grievance?

What have you done already to try to sort the problem out?

Who else has relevant information that will help us to consider your grievance?
Please tell us their name and contact details.

Do you have any documents to support your grievance? If so, please list these below
If they are not agreed Council procedures, please attach them.

Please tell us what action you feel is needed to resolve your grievance?

Equality monitoring

Derby City Council has an Equalities and Diversity Policy. To help us to check that our policy is working, please fill in the appropriate boxes.

My gender is: male ☐ female ☐

My date of birth is: / /

I am...

Asian or Asian British

Bangladeshi ☐
Indian ☐
Pakistani ☐
Any other Asian background ☐

Black or Black British

Caribbean ☐
African ☐
Other Black background ☐

White

British ☐
Irish ☐
Other ☐

Dual Heritage

White and Black Caribbean ☐
White and Black African ☐
White and Asian ☐
Other Dual Heritage background ☐

Chinese or other ethnic group

Chinese ☐
Other ethnic group, please specify

The Disability Discrimination Act 1995 says that someone is a disabled person if they have a 'physical or mental impairment, which has a substantial and long term adverse effect on their ability to carry out normal day to day activities'

I consider that I am a disabled person yes ☐ no ☐

Signed


Date

Head of Service response

This form is to be completed by the Head of Service

Guidance notes for completion

- An employee should wait 28 calendar days after lodging a grievance to the Council before submitting any claim they may wish to make to an Employment Tribunal.
- When you receive the grievance form, this must be acknowledged in writing to the employee. You then have 28 calendar days in which to meet with the employee.
- Having considered all the information contained in this form, together with the information presented to you at the grievance hearing, please use the space below to formally record your response to the employee's grievance.
- Please note that if the employee remains dissatisfied with your response, and exercises their further right of appeal, the information you provide below will be taken into account.

 **All information will be treated in confidence, in accordance with the Data Protection Act 1998 and used for employee management purposes. It may be shared with personnel sections for monitoring and auditing of management processes and will be stored securely on the file relating to the grievance.**

Date of grievance hearing

Names of those present

Having considered the employee's grievance, what is your formal response? Please make sure you document all the relevant information you considered in coming to your decision.

Name


Signature

Date

Please give one copy of this form to the employee within seven calendar days of the hearing, and one copy to your Departmental HR Officer.

Elected members' response to Final Appeal

This form is to be completed by elected members hearing the appeal and sent to the employee within seven calendar days of the appeal hearing.

 All information will be treated in confidence, in accordance with the Data Protection Act 1998 and used for employee management purposes. It may be shared with personnel sections for monitoring and auditing of management processes and will be stored securely on the file relating to the grievance.

Date of grievance appeal hearing

Names of those present

Having considered the employee's appeal, what is your formal response? Please make sure you document all the relevant information that you considered in coming to your decision.

Name

Signature

Date

Please send one copy of the form to the employee within seven calendar days of the appeal hearing, one copy to the Director and one copy to the Departmental HR Officer.

GRIEVANCE HEARING AND APPEAL PROCEDURE

This procedure should be used for hearings at Stage Two and Final Appeal stage of the Grievance Procedure

- 1 The employee, or their representative, will put their case in the presence of the Council's representative and may call witnesses.
- 2 The Council's representative may ask questions of the employee and their witnesses.
- 3 The Chair of the Hearing/Elected members may question the employee and their witnesses.
- 4 The Council's representative must put the case in the presence of the employee and call witnesses.
- 5 The employee, or their representative, may question the Council's representative and their witnesses.
- 6 The Chair of the Hearing/Elected members may ask questions of the Council's representative and their witnesses.
- 7 The Council's representative will then sum up the Council's case.
- 8 The employee, or their representative, will then sum up their case.
- 9 Both sides will retire and wait for a decision.
- 10 The Chair of the Hearing /Elected members will deliberate in private only recalling either side to clarify any information. If recall is necessary, both sides must return even if only one is concerned with the point in doubt.
- 11 The Assistant Director - Human Resources, or a nominated HR officer, will advise the Chair of the Hearing/Director/Elected members in private.
- 12 All the information to be considered by The Chair of the Hearing/Elected members is to be submitted in the presence of all parties.
- 13 The Chair of the Hearing/Elected members will inform everyone involved in the decision. This will be one of these courses of action:
 - that the grievance/appeal is justified. The department will be advised of the action to take to resolve the grievance
 - that the grievance/appeal is not justified. The original decision is confirmed.
- 14 The decision will be confirmed in writing to everyone within seven calendar days.

GRIEVANCE PROCEDURE

Letter for employee to take to their doctor if they are unable to attend a grievance hearing because of illness

Dear Doctor

Employee's name and address

Name is employed by the Council as a .
Name is required to attend a hearing on date at
time connected with a formal work related matter.

Name has advised me that they are unable to attend the hearing because of .

If an employee can't attend because of illness they must produce a doctor's certificate under our procedure.

The hearing will last approximately hours and **people** will be there. In view of this person's illness and the information I have given about the hearing, please give your opinion on whether the employee is able to attend. You can either complete the enclosed copy of this letter or provide your own certificate.
Name will send your response to me.

If you consider **Name** is currently unfit to attend on date, could you please give an indication of when you believe they would be fit to do so.

Thank you for your assistance.

Yours faithfully

On copy

I consider **Name** *is/is not fit enough to attend the hearing on

Any other comments

Signed

Name

Date

*delete as appropriate

GRIEVANCE PROCEDURE - CASE SUMMARY MONITORING FORM

All information provided will be treated in confidence, in accordance with the Data Protection Act 1998 and used for employee management purposes. It will be shared with personnel sections for monitoring and auditing of management processes and will be stored securely on the file relating to the complaint.

Department

HR Officer completing form

Contact telephone number

EMPLOYEE DETAILS

Gender F ☐
 M ☐

Disabled person Yes ☐
 No ☐

Asian or Asian British

Bangladeshi ☐
 Indian ☐
 Pakistani ☐
 Any other Asian background ☐

Black or Black British

Caribbean ☐
 African ☐
 Other Black background ☐

White

British ☐
 Irish ☐
 Other ☐

Dual Heritage

White and British Caribbean ☐
 White and Black African ☐
 White and Asian ☐
 Other Dual Heritage background ☐

Chinese or other group

Chinese ☐
 Other ethnic group, please specify

TIMESCALES

Date formal grievance received by
 Head of Service

Date of grievance hearing

Dates of appeal hearings (if appropriate)

SUMMARISED DETAILS OF GRIEVANCE

OUTCOME

- Grievance resolved informally ☐
- Grievance resolved at Stage 2 Hearing ☐
- Grievance resolved at Final Appeal ☐
- Other ☐

Please specify

SUMMARISED DETAILS OF OUTCOME

ADDITIONAL COMMENTS

Please use this space to advise of any procedural issues or difficulties encountered in the procedure.

Send completed form to Corporate HR Adviser - Operations, Corporate HR. A copy must be kept on the case file retained by the Departmental HR Officer.