

Report sponsor: Simon Riley, Strategic Director  
of Corporate Resources  
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## **Changes to the Grievance and Collective Grievance Policy**

### **Purpose**

- 1.1 The HR service have reviewed and updated the Council's Grievance and Collective Grievance Policy. The review has been prioritised in line with changes in legislation and case law, best practice approaches and the length of time since the policy was reviewed. The review is also reflected in the Council's corporate policy register.

### **Recommendation(s)**

- 2.1 To note the proposed main changes to the revised Grievance and Collective Grievance Policy as set out in the Supporting Information section.
- 2.2 To approve the revised policy (Appendix 1) and note that subject to approval, the policy will proceed to CJC for ratification. To note that subject to this ratification the revised policy and guidance will be published on the Council's intranet and a communication roll out of the changes will be shared with colleagues.

### **Reason(s)**

- 3.1 The policy has been revised in line with the Council's requirements for periodic policy review and updated to ensure that it accurately reflects the Council's approach to grievance resolution.
- 3.2 To enable all colleagues and managers to better understand their responsibilities in relation to the raising and resolution of employee issues and concerns within the workplace.

### **Supporting information**

- 4.1 The main purpose of the policy is to clearly set expectations and clarify the process of colleagues raising work related concerns using the Grievance Resolution Policy and how these should be dealt with by all parties involved.
- 4.2 Informal resolution remains the emphasis of the policy and it encourages employees to raise and try to resolve potential issues as and when they arise, reducing the likelihood for issues to escalate to the point where formal action becomes necessary.

- 4.3 The title of the policy has changed from grievance and collective grievance policy to Grievance Resolution Policy. This is to reflect a positive focus on resolution for all parties.
- 4.4 The policy has been amended to reflect which colleagues were exempt from raising complaints under this policy
- This policy will apply to Chief Officers so they are no longer listed in the exceptions list
- 4.5 Circumstances for where this policy is not appropriate have been added to reflect the following:
- Where a grievance is raised about a colleague that has left the Council's employment
  - Where a grievance is raised by a colleague that has left the Council's employment
- 4.6 Key responsibilities for all colleagues, line managers/Heads of Services and companions have been included in the policy. In clearly summarising the key responsibilities early in the policy, the tone is set for individual accountability of raising and dealing with concerns raised under the Grievance Resolution Policy. The format of the policy has been amended to follow the steps of the grievance process with firstly the informal resolution stage followed by the formal resolution stage and finally the appeal stage.
- 4.7 The following policy points have been added;
- The Council will not investigate events which are historical i.e., more than three months old, unless they are specifically related to a current issue.
  - All grievances should be dealt with informally in the first instance. However, a grievance can be progressed formally.
  - Colleagues must aim to discuss any issues or concerns informally with their line manager (or the next most relevant manager) as soon as possible after the issue arises.
  - Grievances are best resolved promptly and as near to the incident as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages colleagues to raise issues and try to resolve them with their line manager.
  - Formal grievances should be raised in writing or if colleagues are disabled in a way that is accessible to them, and must address all of the following:
    - a summary of the issues from their perspective
    - evidence supporting their view (if any is available)
    - details of the steps they have already taken to address the situation
    - what they consider will rectify the situation and the role that all parties will play in that

Any grievance submission that does not satisfy all the above points cannot be taken forward.

- On rare occasions, it may be established, through investigation that a grievance has been raised vexatiously or with malicious intent. This goes against our values and approach to resolution and if, following investigation there is reason to believe that a grievance has been raised vexatiously or with malicious intent, this will be taken seriously and the person making the complaint may be subject to formal disciplinary action.
  - The outcome of a grievance raised against a colleague, if upheld, could result in a disciplinary process against them. This information remains confidential and would not be shared with the individual who has raised the grievance.
  - Managers reserve the right to move straight to a disciplinary investigation depending on the circumstances that are outlined in a formal grievance. At this point the grievance process will end and the colleague who raised the grievance will be notified of this.
  - Where other formal action (disciplinary, performance management or attendance management) involving either party overlaps, the Head of Service should consider suspending the hearing and/or investigation for a short period (generally no more than one week) to consider the implications. If the cases are not related, they should be dealt with separately and concurrently.
  - To respect confidentiality specific details of any referrals/outcomes/actions in relation to other colleagues will not be shared.
- 4.8 The policy wording has changed to make it more user friendly, such as replacing “employee” with “you”. This is consistent with other policies under review and is the future approach in policy writing.
- 4.9 The policy also has the addition of Role Definitions and Glossary appendices. These will aid the policy reader in understanding some of the terminology used throughout.
- 4.10 The HR team are in the process of updating the guidance to reflect these changes and to align it with our guidance principles which were implemented following Voice of the Customer feedback. This includes clarity and simplicity in content and easier navigation and layout.

## **Public/stakeholder engagement**

- 5.1 The revised draft Grievance Resolution Policy has been developed with feedback and support from key stakeholders including Trades Union representatives, managers, HR and OD Advisors and legal colleagues.
- 5.2 We have sought advice from the Lead on Equality and Diversity about the changes to the policy and the Equality Impact Assessment (Appendix 2).

- 5.3 The policy has been developed using ACAS guidance as a benchmark and also by reviewing other local authorities recently updated grievance policies and the change to a more resolution focused approach.
- 5.4 Consultation has also taken place with Trade Union colleagues through the Policy Working Group and the policy has been agreed with Trade Union colleagues.

### Other options

- 6.1 Do nothing and retain the current policy and guidance. This is not considered to be an appropriate approach, as it fails to emphasise the benefits of the changes, and it would maintain outdated practices.

### Financial and value for money issues

- 7.1 None identified

### Legal implications

- 8.1 Employers are required by law to provide a written policy setting out the grievance procedure for that workplace and share it with all colleagues.

### Climate implications

- 9.1 None Identified

### Socio-Economic implications

- 10.1 None identified

### Other significant implications

- 11.1 All policies are underpinned by an EIA and the EIA for the Grievance Resolution Policy (appendix 2) has been reviewed by the Equality and Diversity Lead.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Charlotte Hutton	20.10.22
Finance		
Service Director(s)	Simon Riley	25/10/2022
Report sponsor		
Other(s)	Liz Moore, Head of HR	24/10/22

Background papers:

**List of appendices:**

Appendix 1 – Draft Grievance Resolution Policy  
Appendix 2 – Draft Equality Impact Assessment