

Grievance Resolution Policy

Policy purpose

The purpose of this policy is to create an open and honest environment that empowers you to raise workplace concerns that you have as soon as possible and to work together with management, and sometimes other colleagues to resolve them. The Council believe that a positive environment and good working relationships have a significant impact on well-being and engagement, leading to better performance and reduced stress and absence.

Document Control

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1. Overview

1.1 This policy applies to all council colleagues except:

- the Chief Executive, as there are separate provisions
- those employed under the delegated powers of governing bodies of community and voluntary controlled schools
- where a grievance is raised by a colleague that has left the council's employment
- where a grievance is raised about a colleague that has left the council's employment

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 including in relation to protected characteristics
- unacceptable behaviour by other colleagues

1.3 The policy does not cover these 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 policy
- Managing attendance
- Managing individual capability
- Flexible working

1.4 **Appendix 1** gives details of roles definitions and **Appendix 2** is a Glossary of Terminology used in this Grievance Resolutions Policy.

2. Roles and responsibilities

Colleagues

2.1 You are responsible for raising your concerns informally with your manager as soon as you can. This is to make sure your concerns are dealt with quickly and efficiently. You will work with your manager to find a solution to your concerns.

- 2.2 Whilst your grievance is being dealt with, it's important that you comply with all management instructions and continue to work as normally as you can with full co-operation. We know this may be difficult for you, but we can give you support.
- 2.3 With appropriate support, you are expected to co-operate as a witness with any investigations or with management action.
- 2.4 You cannot use the grievance resolution procedure to challenge reasonable management actions or requests.

Line Managers / Head of Service / Director

- 2.5 Your manager / Head of Service / Director is expected to deal promptly and reasonably with your grievance and to treat all complaints seriously and sensitively and to respond to complaints without bias.
- 2.6 Your manager / Head of Service / Director must make sure that any individuals named in the grievance are informed early in the process about the details of the complaint against them and that they are advised of their rights and responsibilities under this policy. They should also be kept informed during the process and in its conclusion.

Companions

- 2.7 The permitted role of your companion should be to address the grievance meeting, to present and with your permission to respond on behalf of you to any views expressed at the meeting and confer with you during the meeting. Your companion does not, however, have the right to answer questions on your behalf, address the hearing if you do not wish it, or prevent your manager from explaining their report.

3. Policy aspects

- 3.1 You have the right to raise a concern or complaint relating to your employment. These may be raised by an individual or collectively, where a group or groups of colleagues are affected by the same work-related issue.
- 3.2 If two or more colleagues have an identical grievance, you can use this policy to raise a collective grievance. Where a collective grievance is raised the colleagues can either use their trade union representative to raise the grievance or nominate one person to act on their behalf. If you are using this procedure collectively, you cannot then raise an individual grievance on the same issue.
- 3.3 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.
- 3.4 The internal grievance resolution process will contain no more than two stages and summary of the grievance stages are:

Informal Resolution Stage

- 3.6 You raise an issue or concern with your line manager or another appropriate manager.
- 3.7 Your manager or another appropriate manager considers the grievance.
- 3.8 Your manager or another appropriate manager responds verbally, as soon as possible and confirms this in writing.

Formal Resolution Stage

- 3.9 You raise a grievance in writing or if you are a disabled colleague in a way accessible to you, to the Head of Service. Receipt of your grievance should be acknowledged within 2 working days.
- 3.10 Further information may be needed before meeting about the grievance and the Head of Service may need to commission an investigation.
- 3.11 Other than in exceptional circumstances, the grievance meeting must be held as soon as possible and give you a minimum of five working days' notice of the grievance meeting date.
- 3.12 The Head of Service/Director will hold a meeting with you to consider your grievance and will deliberate on the possible use of mediation.
- 3.13 The Head of Service/Director will adjourn the meeting for further fact-finding or an investigation if required.
- 3.14 The Head of Service/Director will confirm the decision in writing to you within seven working days.

4. Informal Resolution Stage

- 4.1 All grievances should be dealt with informally in the first instance. However, a grievance can be progressed formally.
- 4.2 You must aim to discuss any issues or concerns informally with your line manager (or the next most relevant manager) as soon as possible after the issue arises.
- 4.3 Grievances should be dealt with at the first level of management, unless this is deemed inappropriate, and dealt with as quickly as possible. It is the responsibility of all involved to engage fully with the grievance resolution process to try and resolve the issue as quickly as possible.
- 4.4 Grievances are best resolved promptly and as near in time 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 you to raise issues and try to resolve them with your manager.

- 4.5 Mediation should be considered at all stages but particularly before progressing from the informal to formal stage of the grievance resolution process.
- 4.6 All parties will be expected to show what steps they have taken to reasonably explore a concern with a view to reaching a resolution during the informal stage, prior to a colleague raising a formal grievance.

5. Formal Grievance Resolution Stage

- 5.1 Formal grievances should be raised in writing, or in another way that is accessible to you if you are a disabled colleague, and must address all of the following;
- A summary of the issues from your perspective
 - Evidence supporting your view (if any is available)
 - Details of the steps you have already taken to address the situation
 - What you consider will rectify the situation and the role that all parties will play in that
- Any grievance submission that does not satisfy all of these points cannot be taken forward.
- 5.2 You have the right to be accompanied at formal meetings by a companion, but this should not delay the process.
- 5.3 To prevent delays, formal grievances that are submitted in relation to another Council process will be heard as part of that case.
- 5.4 On rare occasions, the investigation may establish that a grievance has been raised vexatiously or with malicious intent. This goes against our values and approach to resolution. 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.
- 5.5 The outcome of a grievance raised against a colleague, if upheld, could result in a disciplinary process against them. You will be advised if your grievance results in a disciplinary process but not about any action or outcomes as part of this procedure. This information remains confidential and would not be shared with the individual who has raised the grievance.
- 5.6 Managers reserve the right to move straight to a disciplinary investigation depending on the circumstances that are outlined in a grievance. At this point the grievance process will end and the colleague who raised the grievance will be notified of this.
- 5.7 Where other formal action (disciplinary, performance management or attendance management) involving either party overlaps, the Head of Service should consider suspending the Grievance 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.

5.8 To respect confidentiality specific details of any referrals/outcomes/actions in relation to other colleagues will not be shared.

6. Reasonable adjustments

6.1 Disabled colleagues making a grievance will have reasonable adjustments made to this process such as a support worker, in addition to a companion, alternative versions that are accessible, or a BSL interpreter.

7. Appeal Stage

- 7.1 You will have the right of appeal against the outcome of a formal stage grievance meeting. Further details can be found on the appeals page.
- 7.2 This is the final stage of the Council Grievance Resolution Policy; you do not have any further internal right to appeal.

8. Support and guidance

8.1 A full description of the process including guidance, supportive information and documentation can be found at:

[Grievance and the grievance process](#)

(links to each page once updated on ~MiDerby)

- Informal
- Formal
- Appeals
- Support

8.2 Other related guidance, policies and websites can be found at:

- [MI wellbeing pages](#)
- [Disciplinary](#)
- [Employee Support](#)

8.3 Colleagues without access to this information can ask their manager for a printed copy.

Role definitions

In this policy, the following expressions will have the following meanings:

‘Companion’ - a work colleague, a trade union official, or an accredited representative of a trade union

‘Manager’ or ‘Line manager’ - the colleague you report to

‘Investigating Officer’ - a suitable person appointed to this process role

Glossary

In this policy, the following terms will have the following meanings:

'Protected characteristics' - you have a right not to be treated less favorably, or subjected to an unfair disadvantage, by reason of that characteristic, for example, because of your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation under the Equality Act 2010.

'Equality Act 2010' The Equality Act 2010 legally protects people from discrimination, harassment and victimisation in the workplace and in wider society.

'Concurrently' - at the same time

'Bias' - to have a strong inclination of the mind or a preconceived opinion about something or someone

'Vexatious' - A vexatious complaint is one that is without foundation or made to cause problems.

'Malicious' - intending to cause someone unnecessary harm to hurt their feelings and or reputation

'Intent' - to do something on purpose or with intention

'Perspective' - the way that individuals think about something. It comes from a personal point of view and may not be shared by others

'Confidentiality' - keeping a matter private and not disclosing information to other people

'Interpretation' - an explanation or opinion of something

'Permitted' - officially allowed to do something

'Mediation' is a process where the parties involved meet with a mutually selected impartial and neutral person who assists them in the negotiation of their differences

'Working day' - any day on which Council colleagues are contracted to work

