

Grievance Policy



WORKING TOGETHER

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Policy Overview

Every employee of the councils has the right to be treated with dignity and respect. The councils are committed to promoting a positive working environment where employees can raise work-related concerns, problems or complaints with their managers both informally and formally if required.

This document is part of a family of policies which provide advice and information on the expected behaviours and values of Chorley and South Ribble employees, see the Conduct, Code of Conduct, and Social Media policies for more information. This policy applies to all employees of Chorley & South Ribble Borough Councils, and their wholly owned companies, who have satisfactorily completed their probationary period, except for Statutory Chief Officers.

This policy is based on the standards set out in the ACAS Code of Practice, and in accordance with relevant legislation.

Policy Objective

The aim of the Grievance Policy is to provide employees with a process to raise genuine and legitimate concerns about work.

The policy applies to situations where:

- Employees feel aggrieved regarding a decision or action taken by management that affects them.
- Employees feel that they have been bullied or harassed by another employee in relation to their work.

The policy does not apply to situations where:

- An employee is subject to proceedings under other policies, including those relating to conduct, capability, attendance, recruitment process, or redundancy. In these situations, the appropriate appeals process should be used.
- Genuine concerns in relation to ethical malpractice of someone within the councils which should be raised under the Whistleblowing Policy.
- The concern is about pay or grading, this should be raised using the Job Evaluation Policy.
- A customer is complaining about a service. This policy only applies to employees of the councils.

The grievance, unless there are exceptional circumstances, should in all cases be submitted as soon as reasonably possible.

The councils reserve the right to refuse to accept a grievance that is considered to be repetitious or vexatious, malicious, false, or has not been raised properly with the relevant manager at an early stage. Those grievances found to be vexatious, malicious or false will be treated as a potential misconduct issue and shall be progressed via the Conduct Policy.

If an employee has left employment and then raises a grievance, it will be investigated but the full procedure will not necessarily be followed

This policy applies equally to individual and collective grievances.

Council responsibilities

The councils will:

- Ensure this policy is applied equally to all employees
- To promote a positive working environment where employees feel they can raise work-related concerns both informally and formally.
- Deal effectively with grievances ensuring fairness, consistency and a transparent process.
- Regularly review, refresh and update this policy and procedure.

Manager responsibilities

Managers will:

- Ensure employees are aware of the policy and procedures and how to raise a grievance.
- Deal with complaints fairly, thoroughly, quickly and confidentially, respecting the feelings of all concerned.
- Notify Human Resources as quickly as possible following the receipt of a grievance.
- Ensure that there is no retaliation against the employee who made the complaint.
- Comply with the timescales set out in this policy.

Employee responsibilities

Employees will:

- Act with honesty and integrity and treat colleagues with dignity and respect.
- Seek to resolve matters informally as much as possible.
- Ensure they understand the policy and procedures and the consequences of vexatious complaints and abuse of this policy.
- Comply with the requirements of this policy.

Definitions

Grievance	A formal way for an employee to raise a problem or complaint to their employer.
Informal Resolution	Is an informal way for an employer to attempt a voluntary resolution process between involved parties following submission of a grievance/complaint.
Mediator	A person who attempts to assist people involved in a conflict to come to an agreement.
Mediation	A structured, interactive process whereby an assigned Mediator assists disputing parties involved in a disagreement to try to help them to agree or find a solution to their problems. This is a voluntary process at which the mediator uses specialised communication and negotiation techniques to attempt to resolve a dispute.
Formal Resolution	Is a formal way for an employer to attempt to resolve a grievance/complaint following an agreed procedure which follows the ACAS code of practice as a minimum to attempt resolution.
Grievance Manager	A Manager responsible for seeking to resolve a grievance in a transparent and impartial way. Ensuring that everyone affected is kept informed and feel equally supported and fairly treated throughout the process.

Principles

An employee who raises a grievance or who is interviewed as part of the process has the right to be accompanied at any formal stage by a union representative or a colleague. A member of HR will support all stages of the formal procedure.

There is no entitlement to be accompanied by a legal representative at any part of the internal disciplinary process.

The timescales stated within this policy are not intended to be prescriptive. They are best practice guidelines and will be followed wherever practicable.

Where possible, grievances will be resolved by the line manager but where this is not appropriate another or more senior manager may be nominated.

Confidentiality will be maintained at all stages of the process and the employee will be kept informed of progress by their manager.

Wellbeing support will be made available to any employee who raises, or is the subject of, a grievance.

Where a collective grievance is raised the group must nominate a representative to attend meetings and discuss the concerns of the group.

Bullying and Harassment

The councils are committed to the prevention of bullying and harassment and will take all allegations seriously.

- **Bullying** - can be defined in many ways but is generally a misuse of power. It is usually persistent, offensive, abusive, intimidating, malicious or insulting behaviour. Bullying behaviour is usually identified not so much by what has actually been done, but rather by the effect that it has on its target.
- **Harassment** - where the unwanted behaviour is due to a protected characteristic: gender reassignment, sex, sexual orientation, pregnancy or maternity, religion, age, disability, gender reassignment, race, and marriage or civil partnership.

At its most extreme, harassment and bullying can be physical violence which would be considered as gross misconduct under the Conduct Policy, without any need for the victim to raise a grievance.

Examples of harassment and bullying could include:

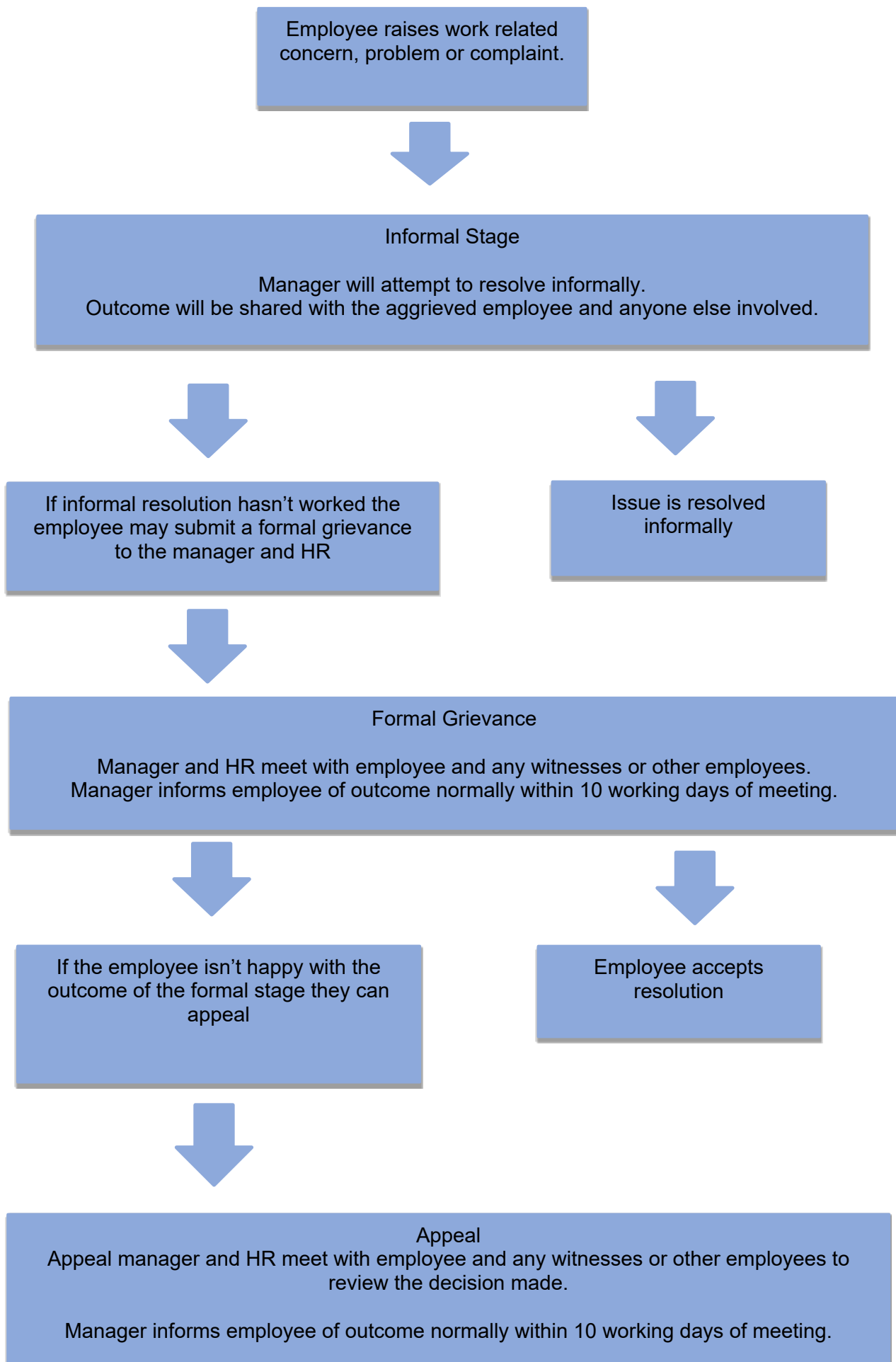
- Persistently criticising an individual unnecessarily
- shouting at colleagues in public or private;
- deliberate isolation by ignoring or excluding a person
- withholding information or removing areas of responsibility without justification
- spreading malicious rumours
- making inappropriate personal comments
- unwanted physical contact
- intrusion by pestering, spying and stalking
- jokes, offensive language, gossip, slander, sectarian songs and letters
- failure to safeguard personal information
- blocking leave or training applications without reason
- setting objectives with impossible deadlines with the deliberate intention of undermining an individual
- deliberate misrepresentation of the views of senior management.

It is important to understand that bullying is not:

- Legitimate and constructive feedback on an employee's performance or behaviour
- An occasional raised voice or argument between two or more people
- A momentary loss of temper, which an individual regrets, apologises for and learns from
- Reasonable management behaviour

It is unacceptable to condone bullying behaviour under the guise of a particular management style. All employees have the right to be treated with dignity and respect at all times.

Grievance Procedure



Collective Grievance

A collective grievance is when a group of employees has a shared complaint. Some examples include complaints about:

- Terms and conditions
- Health and Safety
- Breach of HR policy
- New working practices
- Working environment

The group will be required to nominate a named representative to attend meetings and act on behalf of the entire group. The councils value positive relationships with union colleagues and encourage employees to raise collective grievances through the Chorley and South Ribble Joint Unison Branch.

A collective grievance is not appropriate where a concern only relates to one employee and in these cases an individual grievance should be raised.

Informal Resolution

The employee should firstly raise the grievance informally with their manager. Grievances which are dealt with informally can often be resolved quickly and effectively and maintain a positive working environment.

There are several ways in which grievances can be resolved informally:

- Discussion between employees – an informal discussion about the complaint to agree a solution.
- Discussion with the manager – the employee may ask the manager to informally look into the complaint and make suggestions.
- Mediation - a structured discussion, with the employee who has raised the complaint and anyone else implicated in it, facilitated by a neutral mediator. It is a voluntary process which can only take place if all parties are willing. If this is an option parties wish to consider then the Manager considering the grievance would request support in facilitating via HR.

If there has been no attempt to resolve matters informally, the formal procedure will refer back to the line manager. Discussions and decisions should be recorded.

If it is difficult or inappropriate for an employee to discuss matters with their line manager the, employee should contact a senior manager or HR for further advice.

Where the employee feels that the outcome of the informal stage has not resolved their grievance, they have the option to seek to progress to the formal stage of the procedure.

Formal Stage

Where the informal stage is not successful the employee can submit a formal grievance. This should begin as soon as possible after the informal stage.

The grievance should be submitted in writing to HR outlining the reasons for the formal grievance, why the outcome of the informal stage is not to their satisfaction, and the outcome they are seeking. Any evidence should also be submitted along with the names of any witnesses.

On receipt of the grievance an initial meeting will be arranged between the manager, HR and the employee. The grievance hearing should be arranged without unreasonable delay and normally within 10 working days.

After hearing the grievance and especially in complex cases, it may be necessary to adjourn the meeting to conduct further investigations before a decision can be reached This may include

additional meetings with witnesses or to obtain other relevant information. The employee will be kept informed of the progress of the grievance. The manager will produce a report that will include a summary of the investigation findings, their conclusions, and any recommendations to resolve the grievance.

Any witness interviewed as part of proceedings may be accompanied and HR will be present at all such meetings. If a witness is the subject of allegations contained within the grievance, they will be provided with specific details of all allegations and provided with adequate time to prepare.

If the employee is unhappy with the outcome of the grievance they are able to appeal against it. The employee should submit the reasons for their dissatisfaction to HR and their expectations for resolution within 10 working days from the outcome of the formal process. A more senior manager, Director, or the Chief Executive or Deputy will be nominated to consider the appeal.

Appeal

The appeal will normally be arranged within 10 working days and will be heard by a different manager than the formal stage.

The purpose of this meeting is to test the conclusion that was reached by the manager during the formal grievance. The process at the formal stage will be followed.

The appeal manager will notify all parties of the decision normally within 10 working days. The decision will set out whether the grievance is upheld, the reasons for the conclusion and any actions proposed to be taken by way of resolution.

The decision at appeal is final and this exhausts the councils' internal process.

Tools

Grievance form

This form can be used to raise a grievance formally. Please fill it in indicating all details requested below and submit to the Manager who has attempted informal resolution.

Date	
Name	
Who is the form submitted to Name Job Title	
Name of a Trade Union Representative (if applicable)	
What steps have you taken to resolve the issues informally	
Why were you not satisfied with the informal outcome?	
Grounds for grievance – please list specific grounds, indicate detailed situations, etc	
What outcome are you looking for?	
Any further relevant information	

Appeal form

This form can be used to submit an appeal in relation to the outcome of a formal grievance. Please complete and forward to HR.

Date	
Name	
Name of a Trade Union Representative (if applicable)	
What steps have you taken to resolve the issues	
Why were you not satisfied with the outcome	
Grounds for grievance – please list specific grounds, indicate detailed situations, etc	
What outcome are you looking for?	
Any further relevant information	