

GRIEVANCE POLICY

1.0 Purpose

This Procedure should be read in conjunction with the [Grievance Procedure <insert link>](#).

2.0 Purpose

The purpose of this policy is to enable employees (whether collectively or individually) to raise a grievance about problems or concerns at work, working conditions or relationships with colleagues (this includes bullying and/or harassment).

This Policy applies to all employees in work-related circumstances (whether or not in the workplace) regardless of their status or length of service.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

We operate a separate [Whistleblowing Policy <insert link>](#) to enable employees to report illegal activities, wrongdoing or malpractice however, where employees consider that they have been directly affected by the matter in question a grievance/complaint may be raised under this policy.

For matters that are the subject of collective negotiation or consultation with the trade unions, or where there is a dispute between Peterborough City Council and one or more recognised trade union refer to the [Collective Disputes Procedure <insert link>](#).

3.0 Definitions

This section is intended for guidance purposes only and in any circumstance where a legitimate grievance is raised, it must be dealt with in accordance with the [Grievance Procedure <insert link>](#).

Grievance

A grievance is a concern, problem or complaint that an employee would like to raise with their employer.

Issues that may cause grievances include but are not limited to:

- Harassment, bullying, discrimination and/or victimisation (refer to the [Grievance Procedure <insert link>](#) for further definition);
- Terms and conditions of employment;
- Health and Safety;
- Work relations;
- New working practices;
- Working environment; and
- Organisational change.

4.0 Key Principles

- Peterborough City Council expects and is committed to ensuring that all employees are treated and treat others with dignity and respect in an open and effective working environment.
- The intention is to always aim to resolve grievances informally where possible.
- All grievances will be treated seriously and addressed promptly and sensitively in accordance with the [Grievance Procedure <insert link>](#).
- In circumstances where a grievance is upheld Peterborough City Council will take all appropriate and recommended action.
- Proven allegations amounting to gross misconduct or misconduct on the part of employees will be dealt with under the [Disciplinary Procedure <insert link>](#).
- In any circumstance where a grievance relates to someone other than an employee all reasonably practicable steps (having regard to the needs of the business) will be taken to prevent against risks of recurrence.

GRIEVANCE PROCEDURE

These guidelines are to provide helpful information to assist the management of grievance issues and are not intended to amount to legal advice.

1.0 Introduction

This Procedure should be read in conjunction with the [Grievance Policy <insert link>](#).

2.0 Definitions

A grievance is a concern, problem or complaint that an employee or former employee would like to raise with their employer.

For the purposes of this procedure the 'Grievance Manager' is defined as the line-manager except in cases where this procedure is being instigated by a Director or Head of Service (Tier 1 and 2) in which case the 'Grievance Manager' will be the Chief Executive.

In this procedure references to employees will be taken to include references to current and/or former employees.

Unlawful Discrimination, Harassment and Victimisation

The definitions set out in the [Equality Policy <insert link>](#) will apply to grievances in relation to perceived acts of unlawful discrimination, harassment and victimisation.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

Bullying may take the form of physical, verbal and non-verbal conduct and may include for example picking on someone or setting him or her up to fail or making threats or comments about someone's job security without good reason.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.

A single incident can be bullying if it is sufficiently serious.

3.0 Raising Grievances Informally

If an employee has a grievance or complaint they should, wherever possible, start by talking it over with their manager to try and agree a solution informally.

Grievances should be raised as soon as possible after the event or incident complained of. In all circumstances grievances should be raised within 6 months unless exceptional circumstances exist which justify a departure from this.

Where an employee feels unable to speak to their manager for example because the complaint is about them, they should speak informally to a more senior manager.

Where informal discussion does not resolve the grievance the formal procedure (as set out below) should be followed.

4.0 Formal Written Grievances

If an employee's grievance cannot be resolved informally they should put it in writing and submit it to their line manager or where appropriate a more senior manager ("the Grievance Manager").

Written grievances should be headed "Formal Grievance" and detail the nature of the complaint as well as the outcome being sought.

If the Grievance Manager receives a document that looks like a formal grievance, but it is not in that format, the employee should be asked if he or she wants to follow the formal Grievance Procedure, and asked to provide the necessary information.

The Grievance Manager should clarify with the employee aspects of the grievance which may be unclear before any meeting takes place.

Collective grievances

Where an identical grievance is made by two or more employees (collective grievance) and all employees agree, a joint written grievance can be submitted. This should be headed "Formal Collective Grievance" and must:-

- detail the nature of the grievance and the outcome being sought;
- identify the individuals who wish to raise the grievance;
- identify any nominated trade union representative or colleague to represent them all;
- state that all have voluntarily consented to use the collective grievance process and;
- confirm that each individual understands that the grievance will give each of them the right to only one collective grievance meeting and outcome, and (if applicable) appeal meeting and outcome; and

If it is not agreed, separate grievances will apply.

Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full Grievance Meeting.

If the issue is proceeding to a full Grievance Meeting the employee should be informed and an explanation given of what will happen next.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance.

Where a grievance triggers a disciplinary investigation the grievance process may be temporarily suspended in order to deal with the disciplinary matter.

In any circumstance where both the grievance and disciplinary procedures apply in relation to the same facts it may be appropriate to deal with both matters together. This decision will be made by the Grievance and/or Disciplinary Manager.

5.0 Investigation

The Grievance Manager will determine whether or not an investigation of some or all of the issues raised by the grievance is required. This decision will ordinarily be taken either prior to or during the Grievance Meeting.

The Grievance Manager will determine the most appropriate means of investigation to include conducting their own investigation or appointing an internal or external investigator. In all cases guidance should be sought from the relevant HR Business Partner before making this decision.

The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve collecting documentation from and/or interviewing and taking statements from the employee, the subject of the complaint and any other relevant witnesses.

Employees will not normally have the right to be accompanied at an investigative interview however a work colleague or trade union representative may accompany the employee in an observer capacity to provide support, but not in the role of an advocate. The investigating officer may at their discretion allow the employee to bring a companion who is not a work colleague or trade union representative if this will help overcome a disability or if the employee has difficulty understanding English. In allowing this support the investigation must not be unreasonably delayed.

Employees must co-operate fully and promptly in any investigation. This may include providing the names of any witnesses, disclosing relevant documents and attending interviews.

6.0 Right to be Accompanied

Employees may bring a companion to any Grievance Meeting under this procedure. The companion may be a trade union representative or a colleague.

The Grievance Manager may at their discretion allow the employee to bring a companion who is not a colleague or trade union representative if this will help overcome a disability or if the employee has difficulty understanding English.

APPENDIX B

Companions may make representations and ask questions but should not answer questions on the employee's behalf. The employee may talk privately with their companion at any time.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice the Grievance Meeting; or
- If the companion's unavailability will undermine the Grievance Manager's ability to call a Grievance Meeting within the prescribed timeframes unless exceptional circumstances exist.

7.0 Arrange a Grievance Meeting

The Grievance Meeting will be held as soon as possible and where achievable within 1 week of receiving a formal written grievance.

If the grievance is a collective grievance only one joint Grievance Meeting will be arranged.

At least 1 week prior to the Grievance Meeting the employee should be sent a letter dealing with the following matters:

- Confirming the date, time and venue;
- Asking for details of any witness or companions they intend to bring with them; and
- Informing them of any other persons who will be attending to give evidence e.g. where an investigation has taken place, the investigating officer.

If the employee or their companion is unable to attend the meeting they must notify the Grievance Manager as soon as possible. They should be asked to suggest an alternative date so long as it is reasonable and unless exceptional circumstances exist not more than 1 week after the original date proposed.

The employee and/or their companion (if any) should make every effort to attend the Grievance Meeting.

If an employee continues to be unable to attend scheduled Grievance Meetings, a meeting may take place in their absence and a decision will be made on the evidence available. Where Grievance Manager intends to hold the hearing in the employee's absence, the employee will be notified (where time permits in writing) beforehand.

In this procedure references to employee within the context of a Grievance Meeting will be taken to also include references to their companion.

Collective grievances

For collective grievances, if all individuals are members of the same trade union, their trade union representative can (if they all agree) raise the grievance on their behalf. Alternatively, they can agree to nominate one of them to act on behalf of them all. If there is no one nominated representative, the individuals will be entitled to address concerns individually at the Grievance Meeting, but they will have no additional right to be accompanied beyond having their colleagues present. If the individuals wish to be represented by their trade union representatives on an individual basis, the council will arrange to hear their grievances separately.

8.0 Grievance Meeting

The purpose of the Grievance Meeting is to enable the employee an opportunity to explain their grievance and how they think it should be resolved.

The employee should give sufficient detail to enable the Grievance Manager to either make a decision or determine what further investigation is required.

It is not anticipated that the Grievance Manager or employee will need to call evidence from witnesses however this will be at the Grievance Manager's discretion depending on the circumstances of the case.

Meeting format

- The employee should be asked to present the grievance, ensuring that it is confined to matters directly relevant to the issues raised.
- Where it is necessary for the employee to invite witnesses to attend and provide information, the Grievance Manger will have an opportunity to ask them questions at the end of each presentation.
- Where an Investigating Officer has been appointed and is required to attend the Grievance Meeting they will present the investigation report. The employee should be given an opportunity to ask questions at the end of that presentation.
- Where any other relevant witnesses attend to provide information, including those invited by the Investigating Officer, the employee should be given an opportunity to ask them questions at the end of each presentation.
- Once the evidence has been explored, and the employee has been given an opportunity to comment and respond, the meeting should be adjourned for the Grievance Manager to reach a decision.
- The Grievance Meeting should be reconvened on the same day, unless there are matters arising which require further investigation which will take longer than the remainder of the day to complete.
- Where the Grievance Meeting cannot be reconvened on the same day, a future date will be arranged without undue delay. In such circumstances the employee should be given written notice of the date, time and venue at the earliest opportunity and not less than 3 days beforehand unless otherwise agreed.

9.0 Communicating the decision

The Grievance Manager should reconvene the Grievance Meeting whether on the same or a different day to explain the decision, the reasons for it and any further action proposed to rectify the issues raised.

APPENDIX B

In appropriate circumstances and with the agreement of the employee it may be possible to agree for the decision to be communicated in writing only but in any event all decisions should be confirmed to the employee in writing within 1 week of the Grievance Meeting.

The decision letter should contain the following information:

- The decision made and the reasons for reaching it; and
- Confirming the employee's right to appeal and to whom.

For collective grievances each employee will be notified individually of the outcome.

10.0 Appeal

If the employee is dissatisfied with the outcome of their grievance, they may appeal in accordance with the [Appeals Policy and procedure <insert link>](#).

11.0 Document Retention

The Grievance Manager should forward copies of all paperwork relating to the grievance and Grievance Meetings to HR Support, Manor Drive. Any such correspondence should be labelled for the attention of the relevant HR Business Partner for the service area and marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the Council's records retention and management policies.

12.0 Further Information

For further advice and/or template letters please discuss with the HR Business Partner for your service area.