

# GRIEVANCE PROCEDURE

: This document applies to all Council employees except:

- Fire employees on Grey & Gold Book Terms & Conditions
- All school based employees
- Chief Executive

*This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.*

<b>Last Review</b>	December 2016
<b>Next Scheduled Review</b>	
<b>Last Updated</b>	September 2020

## Temporary Changes to Policies During Covid 19

There are temporary changes to employment policies during the coronavirus pandemic Please refer to the FAQ's/guidance on George which refer to :-

- Arranging meetings remotely

Where policies refer to meetings/hearings these will generally be conducted via video conference, however, in some circumstances face to face meetings may be appropriate, or hybrids of both face to face and video conference. Please see guidance on George

Please contact HR if you have any queries on the above

## CONTENTS

PROCEDURE.....	1
INFORMAL STAGE .....	1
FORMAL STAGE.....	1
POSSIBLE OUTCOMES OF FORMAL STAGE .....	2
INVESTIGATIONS.....	3
MEDIATION.....	3
APPEAL STAGE.....	4
POSSIBLE OUTCOMES OF APPEAL STAGE .....	4
RECORD KEEPING .....	5
FURTHER INFORMATION .....	5
ADDITIONAL GUIDANCE .....	5

## **PROCEDURE**

Every effort should be made by all parties to resolve grievances through an informal process.

### **INFORMAL STAGE**

Where an employee has a complaint or issue arising from their employment, they should raise the matter with their immediate supervisor using the [Appendix 1 Grievance Form](#). The immediate supervisor should meet with the employee informally to discuss the matter, seek a resolution and take notes of this conversation.

The notes must include the date the issue was raised, the date of the meeting, the nature of the grievance, any advice given and the outcome.

If the grievance relates to an employee's supervisor the employee should raise the matter with the supervisor's line manager, who will seek to resolve the matter informally.

Additional to meeting informally with the employee the manager considering the grievance may need to gather other evidence in order to better understand the nature of the grievance and be able to resolve the matter at this stage.

Any meeting(s) at this stage will involve the employee and manager only.

In circumstances where it becomes apparent that an investigation into the grievance may need to be commissioned, the manager will inform the employee and arrange for an appropriate independent person to carry out the investigation.

The manager should confirm in writing to the employee the outcome of the informal stage using template [Letter A Outcome of the Informal Grievance Meeting](#).

This letter should also advise the employee that if they feel the matter has not been resolved satisfactorily via the informal stage they can progress the matter to the formal stage by writing to their manager's manager within 10 working days of receiving the letter.

### **FORMAL STAGE**

Where the informal stage has not resolved the grievance, the formal stage should be used.

In exceptional circumstances only, it may be considered appropriate for the grievance to be handled formally without the requirement to have completed the informal stage. These will be treated on a case by case basis.

Any grievance must be in writing and [Appendix 1 Grievance Form](#) is available for that purpose. However, a letter or email will also be accepted.

The form, letter or email setting out the grievance, any actions taken so far and the outcome(s) required to satisfactorily resolve the grievance, should be given to the line manager who will forward it onto the next level of management.

Where the grievance is about another employee the manager hearing the grievance should speak to the employee concerned to obtain their response to the points raised about them.

That level of management will meet with the employee, to seek a resolution to the matter. Any meeting arranged must give a minimum of 5 working days' notice and the employee will have the right to be accompanied by a recognised trade union representative, trade union officer or Council work colleague of their choice. The manager hearing the grievance will be accompanied by a Human Resources Adviser.

A Note taker may also be in attendance. See template [Letter 1 Inviting the Employee to Attend a Formal Meeting](#).

The supervisor or manager who has met with the employee to resolve the matter at the informal stage will also attend, with their notes of the previous informal meeting.

As this is a formal meeting, the process to be followed at that meeting can be found at [Appendix 4 Guidance on Conducting a Formal Meeting](#). However, the manager hearing the matter may determine a process that best meets the needs of the circumstances to resolve the matter.

## **POSSIBLE OUTCOMES OF FORMAL STAGE**

### **Manager upholds or rejects the grievance**

The manager hearing the matter will notify the employee and the manager of the outcome within 5 working days of the meeting. The manager will keep notes of the meeting and outcome and a template [Letter 2 to Employee on the Outcome of the Meeting](#) is for the manager's use.

If the employee raising the grievance is dissatisfied with the outcome they can appeal.

### **Investigation**

If the manager feels that it is necessary to commission an investigation at this stage, they will inform the employee that an investigation into the matter will take place as soon as possible using template [Letter 3](#). It will generally not be necessary to undertake a further investigation if one has been completed at the informal stage.

In this event, the formal hearing will be adjourned and reconvened once the investigation has been completed. Following receipt of the investigation report, the manager will recall the meeting, using the template [Letter 4](#).

The manager hearing the grievance will then seek to resolve the matter at this reconvened meeting, notifying both parties at the same time using the template [Letter 5](#).

### **Mediation**

Where mediation was not considered appropriate at the informal stage, the manager may recommend mediation at the formal stage.

## **INVESTIGATIONS**

Investigations into grievance matters may be commissioned at any stage of the procedure as appropriate.

The manager will inform the employee of this as soon as possible using template [Letter 3](#) and arrange for an appropriate independent person to be the Investigator and carry out an investigation.

The Investigator will investigate the matter, produce a written Investigation Report and provide this to the manager hearing the grievance.

The Investigation Report will look into the facts surrounding the grievance and the Investigator will interview all relevant parties involved before writing the report. This is a fact gathering exercise only so the Investigator will not make conclusions or recommendations for action as this is for the manager hearing the matter to decide.

A copy of the Investigation Report will be made available to the employee and manager who heard the matter at the informal stage, prior to the meeting, at the same time. However, it may be considered necessary to redact parts of the report unrelated to the grievance before this is provided to the employee.

The Investigator will not normally be present at the subsequent formal hearing but where there is a request from the employee/representative for the Investigator to attend the manager will decide whether this is appropriate.

## **MEDIATION**

Mediation may be used where the manager believes that this may help to resolve the issues and may be used at any stage of the procedure as appropriate.

The decision to proceed to mediation will be on a case by case basis and following discussion with the relevant manager and mediator.

Where the mediator agrees that mediation is appropriate, the relevant Senior Manager within the Council will commission this service accordingly and communicate this outcome to all employees involved in the mediation using template [Letters 6 and 7](#).

Mediation can only take place if all parties are in agreement to it and there should be no coercion by management on any individual to participate.

Where there is a formal agreement, this will be shared with the commissioning manager for information only.

If there is no agreement between the employees concerned at mediation, the mediator will confirm this to the manager hearing the grievance.

If still aggrieved the employee raising the grievance can request progression to the next appropriate stage of the procedure.

## **APPEAL STAGE**

If an employee is dissatisfied with the response to their grievance at the formal stage or, where, in cases where mediation has taken place this has not secured agreement by all parties, they have a right of appeal.

Any appeal should be in writing and lodged with the appropriate HR Adviser within 10 working days of receipt of the outcome of the meeting or confirmation from the mediator that mediation has not secured agreement.

The grounds of appeal should be set out in the appeal letter and the employee or their representative will use those grounds to establish their case.

The appeal will focus on the parts of the decision the employee is not satisfied with and is not intended for the purpose of re-hearing the entire grievance or raising any new issues.

If an employee seeks to raise matters which were not part of the grounds of appeal, the manager may determine that these should not be considered as part of the appeal process. If they do agree for them to be considered, this may result in a delay in concluding the appeal process.

A grievance appeal must be heard by at senior manager of at least Head of Service level who has not previously been involved in the matter. The senior manager hearing the appeal does not need to be from the same Service area as the employee raising the grievance.

The employee will have the right to be accompanied by a recognised trade union representative, trade union officer or Council work colleague of their choice.

In attendance at the appeal hearing will normally be the manager hearing the appeal, the employee, their representative, the manager who heard the matter at the formal stage and an HR Adviser. All of the manager's notes of the previous meeting, reports and outcome letters will be provided to the manager hearing the appeal prior to the meeting.

## **POSSIBLE OUTCOMES OF APPEAL STAGE**

### **The appeal is dismissed**

The senior manager determines that the outcome from the previous formal hearing was appropriate in which case, the original outcome would be upheld and the grievance appeal dismissed.

### **Further investigation**

The senior manager determines that there may be aspects of the previous decision which require a different outcome or further investigation. Where this is the case these details will be included the outcome letter.

In the event of further investigation, the appeal hearing will be adjourned and reconvened once further investigations have been completed.

**The appeal is upheld**

The senior manager determines that the outcome from the previous formal hearing was not satisfactory and the appeal is upheld. The manager will make the necessary recommendations to ensure the satisfactory resolution to the employee's grievance.

The decision of the senior manager hearing the appeal is final and the outcome will be notified to the employee and manager within 5 working days of the meeting. This marks the end of the grievance process.

**RECORD KEEPING**

Managers will retain their own notes of the outcome and discussions of any informal discussions. These will be kept securely and not on an employee's personal file.

People Management will retain papers on any formal grievance or appeal for a period of 6 months.

**FURTHER INFORMATION**

Employees should note that the electronic, audio or video recording, by any device, of all meetings associated with the grievance process will not be permitted, unless express authorisation has been received from the appropriate senior manager prior to any such recording taking place.

**ADDITIONAL GUIDANCE**

[Grievance Policy](#)

[Grievance Process Flowchart](#)

[Dignity at Work Guidance](#)

[Equality Act 2010 Guidance](#)