



Grievance Policy

Contents**Page**

AMENDMENT SHEET	3
1. INTRODUCTION	4
2. SCOPE	4
3. ROLES AND RESPONSIBILITIES	5
4. INFORMAL PROCEDURE	6
5. FORMAL PROCEDURE	7
6. THE RIGHT TO BE ACCOMPANIED	7
7. MEDIATION	7
8. CONDUCT DURING THE GRIEVANCE PROCEDURE	7
9. CONFIDENTIALITY	8
10. COLLECTIVE GRIEVANCES	8
11. REPEATED, VEXATIOUS, FRIVOLOUS GRIEVANCES	8
12. CONSIDERING CHANGES FOLLOWING THE GRIEVANCE	8
13. GRIEVANCES THAT ARE POTENTIALLY SAFEGUARDING, DISCRIMINATION OR RELATED MATTERS	8
14. GRIEVANCES STARTED PRIOR TO TERMINATION	9
APPENDIX 1 – GRIEVANCE FORM	10

Policy – Grievance Policy

Policy approved by	Date approved	Date implemented	Policy Owner	Review date
Full Council	4 th November 2015	4 th November 2015	Bev Taylor	1 st June 2022

Prior to contacting Human Resources regarding the content of this policy, it is recommended that you refer to the most up to date version on the intranet.

As is the case with all intranet documents, this policy is subject to review due to legislative and policy changes. The latest version of all Human Resources documents can be found on the HR Intranet pages.

Version No.	Date approved	Approved by	Amendment
1.0	16 th June 2021	Full Council	Delegated Authority to make minor amendments & insertion of amendment sheet. Process & roles clarified & insert re collective grievances

1. INTRODUCTION

Merthyr Tydfil County Borough Council believes that all employees should be treated fairly and with respect. When an employee feels aggrieved it can create a tense situation that can often escalate. However, if the grievance is managed under a clear procedure it can often be resolved quickly and effectively.

The ACAS Code of Practice sets out the principles for handling grievance situations in the workplace. This Policy has been created to support managers and employees in handling any grievances that are raised in the course of the working day.

Any employee who has a grievance should follow the steps set out in the accompanying Grievance Procedure and Guidance so that they can resolve it. An employee who is not able to do this will feel de-motivated. The issue may then escalate. This is not productive for the employee, their colleagues, or the Service. It is therefore essential that managers are familiar with this Policy and accompanying Procedure and are confident in the steps required to resolve the issue.

Grievances are not disciplinary and should not be treated as such. It is an opportunity to discuss matters together so as to resolve an issue that an employee has. The process should be focused on finding a resolution. Emphasis is always on resolving the issue quickly and fairly without any formal steps needed.

2. SCOPE

This Policy, together with the accompanying Grievance Procedure and Guidance, applies to all employees employed by Merthyr Tydfil County Borough Council, whether part time or full time, fixed term or permanent. It does not apply to workers who are not employees, or past employees who no longer work for the Council. It does not apply to employees working within schools. This policy (as well as the accompanying Grievance Procedure and Guidance) does not apply to agency workers, consultants or self-employed contractors.

Types of issues that may be raised under this Policy include (but not limited to):

- Contractual issues;
- An alleged breach of legislation or a statutory right;
- Health and safety;
- Working environment or conditions;

This Policy **does not** cover the following:

- Redundancies;
- Sickness absence;
- Disciplinary matters (also see Disciplinary Policy in relation to raising grievances during a disciplinary process);
- Capability matters;

- Collective bargaining agreements;
- Job Evaluation.

Where there is a separate policy or procedure in place for a specific issue to be addressed, that specific policy or procedure should be used instead of the Grievance Procedure.

An employee can raise a grievance if:

- they feel raising it informally has not worked
- they do not want it dealt with informally
- it's a very serious issue, for example sexual harassment or safeguarding

This Policy and accompanying Grievance Procedure and Guidance has been [agreed OR implemented following consultation] with representatives of our recognised Trade Union(s).

This Policy and accompanying Grievance Procedure and Guidance does not form part of any employee's contract of employment and we may, in response to our reviewing the Policy to ensure that it reflects our legal obligations and business needs, amend it any time.

3. ROLES AND RESPONSIBILITIES

3.1 Employee

It is the responsibility of the aggrieved employee to address any workplace concerns with their immediate manager on an informal basis (unless they do not want it dealt with informally or if the issue is so serious it has to be escalated to a more formal stage). Many grievances felt during the working week can be resolved by discussing the issue and agreeing a solution.

If for some reason the employee does not feel it appropriate to raise the matter with their immediate line manager, they can approach another manager who will be able to assist in resolving the matter. (The second manager would usually be at a similar level although might be in another area of work).

There may be instances where an employee is the subject of a grievance by another employee. This can be upsetting and stressful. The employee should seek support from their manager and be willing to work with the manager and the aggrieved colleague to resolve the issue. Often these situations occur through miscommunication or misinterpretation of a situation and can be resolved quickly. Where this isn't possible, mediation may be required (see below).

The employee needs to raise the matter with their line manager (or alternative manager) within **4 weeks of the issue arising**. This ensures that the matter is resolved quickly and to the benefit of the employee. (With the discretion of the Head of HR this time period can be extended if the reason the employee has not raised it early relates to a prolonged absence or some other reason that made it difficult to raise it within 4 weeks).

3.2 Manager

When an employee raises a concern with their manager, it is the manager's responsibility to listen and take the issue seriously. The manager must take the time to sit down with the employee and consider how the issue can be resolved successfully with the employee. (Often a quiet word is all that is needed)

If the matter cannot be resolved during the initial discussion between the employee and their manager, the manager may need to undertake an informal enquiry into the issue. If there is a need to discuss this with others, it should be done sensitively and with a view to protecting confidentiality as much as possible.

If the matter is not one that can be resolved using the grievance procedure, such as it being an issue that is in relation to another policy or procedure, the manager should let the employee know, and inform them of the correct policy or procedure that they need to use instead.

If the matter appears to be in relation to a safeguarding issue, the manager should consult with the Safeguarding Manager. For discrimination issues or any other very serious matter, the manager should inform HR immediately. Please see Section 13.

3.3 Human Resources

Human Resources is there to advise and guide employees and managers in applying the policies and procedures effectively and correctly. If a manager wishes to seek advice on the best way to approach an issue that an employee has raised, they may speak to an HR Advisor. *It is not expected that there will be a need for an HR Advisor to attend a meeting with the manager and/or employee at an early informal stage.*

Where the manager feels that the issue raised is serious and may result in the need to take it straight to a formal grievance or is a disciplinary matter, they should seek advice from an HR Advisor.

The HR Advisor will support and advise the manager (in their role as Grievance Hearing Officer) in how to apply the procedure correctly and effectively.

The HR Advisor cannot take the role of lead officer in any enquiry or investigation, have a view on the matter or be a decision maker at a formal stage as this would compromise the HR Advisor's role as a neutral procedural advisor. Only the Grievance Hearing Officer can take this role.

3.4 Trade Union Representatives

Any employee that is in a union can seek advice from their representative on any matters pertaining to their work. They may wish to take this advice before approaching their manager, or following a discussion with their manager.

It would not normally be expected to have a union representative in attendance with the employee when the employee first raises an informal grievance with the manager. However, if the employee is more comfortable with a union representative (or colleague) this should not be refused.

4. **INFORMAL PROCEDURE**

Grievances by individual employees should be discussed initially with their line manager with an expectation that it can be resolved quickly and informally (unless the employee does not want it dealt with informally or if the issue is so serious it has to be escalated to a more formal stage.)

A different manager can be approached if the employee does not feel it appropriate to approach their immediate line manager (usually of a similar level of authority in any part of the organisation).

If it is likely that the issue is of a serious nature, HR should be contacted immediately by either the employee, their manager, or a trade union representative.

See Roles and Responsibilities for further details of the responsibilities of each party at the informal stage.

5. FORMAL PROCEDURE

If, following an informal discussion with the line manager, the matter has not been able to be resolved, the employee has a right to put the grievance in writing by completing the Grievance Form attached as **Appendix 1** to this Policy. The employee will be invited to a formal grievance hearing to discuss their grievance.

The formal procedure will involve holding a grievance hearing with the employee and Grievance Hearing Officer. The outcome of the grievance hearing can be appealed by the employee. The appeal hearing will be heard by an appointed Appeal Hearing Officer.

6. THE RIGHT TO BE ACCOMPANIED

Employees have a right to have a work colleague or recognized trade union representative to be present in any **formal** grievance hearings or subsequent appeal hearing. Recognised trade union representatives who are also employees are to be given appropriate time off with pay to support their member.

The chosen companion, whether a work colleague or a recognized union representative, will be allowed to address the hearing, respond on the employees behalf if the employee asks them to, confer with the employee, and sum up the case on the employees behalf. However, the formal hearing is one that is between the aggrieved employee(s) and the Grievance Hearing or Appeal Officer, and any questions put to the employee are to be answered by the employee unless the Grievance Hearing or Appeal Officer specifically gives permission for the companion to answer.

7. MEDIATION

At any stage of the grievance procedure it may be recognised that the matter could be dealt with by way of mediation. This involves the appointment of a third-party mediator who will discuss the issue with all those involved and seek to facilitate a resolution. Mediation will only be used where it is considered appropriate and when all parties are in agreement.

Mediation can usually be conducted via internal fully trained officers. There are trained mediators within Human Resources. If mediation is deemed necessary this will be arranged as soon as possible, and certainly within **10 working days** of the agreed decision to take this route.

Any planned hearing or appeal will be adjourned whilst the mediation is taking place. If the aggrieved employee and the manager/other employee agree that the mediation has resolved the issue, the planned hearing or appeal will be cancelled. This must be agreed with all parties and will be put in writing.

If mediation does not satisfactorily resolve the issue then the hearing or appeal will progress as planned.

Mediation may also be a suggested outcome to an appeal or hearing to help resolve an issue.

8. CONDUCT DURING THE GRIEVANCE PROCEDURE

Matters raised as part of a grievance can be emotional and upsetting. However, it is not acceptable to be abusive or insulting to others. All those involved should treat each other with

respect and express themselves calmly and professionally. If any employee does not show respect and is abusive, insulting or threatening, this behaviour will be treated as a misconduct matter under the **Disciplinary Policy and Procedure**.

9. CONFIDENTIALITY

All parties involved in the grievance at all stages (informal or formal) are to retain confidentiality and only share information where it is appropriately required as part of the agreed process. If discussions are required with additional people, the aggrieved employee needs to be kept aware of this. Complaints in relation to breaches of confidentiality will be addressed under the **Disciplinary Policy and Procedure**.

10. COLLECTIVE GRIEVANCES

A collective grievance is a grievance brought by a group of employees (i.e. 2 or more) who want to raise a grievance about the same issue. One grievance form should be completed on behalf of the group, it should contain the names and signatures of each employee raising the grievance. A spokesperson should be nominated who will represent the group at any subsequent Grievance Hearing/Appeal Hearing.

11. REPEATED, VEXATIOUS, FRIVOLOUS GRIEVANCES

All issues raised by an employee are taken seriously as it is in the interest of the Council to engender a healthy and productive workforce. However some issues raised are not able to be addressed successfully within this procedure due to the nature of the matter being vexatious and disingenuous, or one that is repeatedly raised despite the procedure having been followed and completed previously. This grievance procedure is here to address genuine concerns and issues raised by employees.

These types of grievances take up management time that is not well spent, and de-motivates fellow employees. This is not helpful and creates an unhealthy culture. Where these types of grievances are identified, the employee will be informed verbally by the line manager who will explain why this is the case, and will follow up in writing. There is no further recourse for this, although the Grievance Procedure remains available for the employee to use if a genuine grievance is raised.

Vexatious grievances will be considered a disciplinary offence and investigated under the **Disciplinary Policy and Procedure**.

12. CONSIDERING CHANGES FOLLOWING THE GRIEVANCE

The grievance may have raised an issue that the manager was not aware of, or was considered preventable. Steps should be taken to ensure that the matter is fully resolved, and any changes that need to be made is undertaken to prevent the same issue becoming a problem again for the same employee or others.

13. GRIEVANCES THAT ARE POTENTIALLY SAFEGUARDING, DISCRIMINATION OR RELATED MATTERS

If the grievance is of a very serious nature, it may be necessary to immediately consider the risks and duty of care of employees or service users.

The safeguarding of children and adults at risk is a priority for the Council, and any concern or allegation that a member of staff has neglected or abused a child or adult at risk will be taken seriously. In all cases of this type, consultation will be carried out with the Safeguarding Manager. The Safeguarding Manager will offer advice about whether the matter should be managed under the Child or Adult Protection Procedures and will provide information about risk management and work with colleagues to ensure that there is effective support for the employee.

A matter that alleges an employee has breached safeguarding procedures for vulnerable adults or children, breached data protection or security rules, been discriminatory to others or has breached some other disciplinary matter may require the employee to be suspended.

Suspension cannot take place under the Grievance Procedure, but with the Head of HR's agreement, the Disciplinary Policy and Procedure can be triggered, which allows for the suspension of the employee who has allegedly breached the disciplinary rules pending an investigation into the allegations.

The employee raising the grievance will be informed that the matter is being handled confidentially. They need to be told that they will be interviewed confidentially as part of a disciplinary process to gather more facts.

14. GRIEVANCES STARTED PRIOR TO TERMINATION

If an employee raises a formal grievance during employment, but the grievance hasn't been completed prior to their employment coming to an end, the grievance will be reviewed by the Grievance Hearing Officer and HR Advisor to assess whether, by the employee leaving, this has brought the grievance to its natural conclusion.

If the Grievance Hearing Officer believes that the issues raised by the employee prior to their departure has not been brought to a natural conclusion and that the matter should be looked into, the employee will be informed of this. It will not however be undertaken as part of the grievance procedure, instead it will be investigated as a workplace matter.

The manager will undertake an investigation and come up with a report and recommendations for improvements. A copy of the report and the recommendations may be sent to the employee who initially raised the grievance for their information. The report will only be sent to the employee if there are no confidential matters within the report.

Examples of when this will be relevant is when there are workplace issues that may continue to be problematic following the aggrieved employee leaving the Council, or when there the employee had identified an alleged breach.

APPENDIX 1 – GRIEVANCE FORM

Name(s) of Employee:

Job Title:

Department:

Name of Manager:

Have you discussed your grievance with your Trade Union:

Name of TU Representative:

Please provide full details of grievance (continue on separate sheet is required):

Please provide details as to why your grievance could not be resolved informally:

What resolution are you seeking:

Signature(s):

Dated: