



## Grievance Procedure and Guidance

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## 1. INTRODUCTION

This Grievance Procedure and Guidance must be read and followed alongside the accompanying Grievance Policy which sets out the expectations of the process. Grievance procedures are needed to provide individuals with a course of action if they have a complaint which they are unable to resolve through regular or informal communication with their line manager.

A collective grievance can be raised by a group of staff (i.e. 2 or more) who want to raise a grievance about the same issue. The group should nominate a spokesperson to represent the group.

This procedure and guidance is necessary to ensure that everybody is treated in the same way in similar circumstances and to deal with issues fairly and reasonably and assists both HR Advisor and manager to deal in undertaking the process robustly.

## 2. STAGE ONE - INFORMAL PROCESS

Grievances should be discussed initially with the 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.

**TIPS** *When an employee is uncomfortable with someone's behaviour, they should try to have an honest and open discussion with the colleague concerned. If it is not possible to talk directly with the colleague, the employee's line manager may act as a facilitator and/or may suggest other informal ways in which to resolve the issue for example through mediation.*

*It is particularly important to try and resolve issues between two employees quickly and informally. The longer an issue is left unresolved the higher the chance the matter can never be fully resolved, leaving poor working relationships that affect not just the two employees but their colleagues.*

*The grievance procedure should not be used as a substitute for normal day to day discussions*

## 3. STAGE TWO – GRIEVANCE HEARING (FORMAL PROCEDURE)

If, the informal process has not worked, or if the employee chooses to proceed straight to the formal procedure the Grievance Form (please refer to Grievance Policy) should be completed clearly stating the reason for raising the grievance with the resolution sought. The grievance form needs to be submitted no more than 5 working days after they have been notified that the grievance cannot be resolved informally. If the employee's line manager is the subject of the grievance, or the nature of the grievance would mean it inappropriate for the line manager to continue with the investigation, another manager will be appointed to replace the line manager in the role of Grievance Hearing Officer during the formal process.

The Grievance Hearing Officer will invite the employee to attend a grievance hearing in order to discuss the details of their grievance further (please see letter template 1). An HR Advisor will also attend to advise the Grievance Hearing Officer on procedural matters. The employee should bring any evidence which supports their grievance along to the hearing.

Employees have the statutory right to be accompanied by either a recognized trade union representative or work colleague at the hearing. A written note of the hearing will be made and a copy given to the employee to enable them to agree the content.

Other employees may be witnesses to the grievance and may need to be interviewed to gather facts. The employee being interviewed will not be expected to need a recognized trade union representative or work colleague to accompany them, however, if this is requested it will not be refused.

The employee being interviewed needs to be informed that the details of the grievance hearing are to be kept confidential and that they may be required to attend a further meeting if required. The information would be also admissible in a tribunal.

The Grievance Hearing Officer will prepare an investigation report and consider whether or not to uphold the grievance in full, uphold parts of the grievance and reject others, or reject it in full. If the Grievance Hearing Officer upholds the grievance wholly or in part, they should identify action that will need to be taken to resolve the issue.

A copy of the report and supporting documentation will be sent to the employee together with a letter informing them of the decision and the employee's right of appeal (please see letter template 2).

#### **4. STAGE THREE – APPEAL HEARING (FORMAL PROCEDURE)**

If the employee wishes to appeal the decision they should submit this in writing to the Grievance Hearing Officer within **7 working days** of the date of the written confirmation. An Appeal Hearing Officer will be appointed who has not had any involvement in the initial stages of the grievance.

The Appeal Hearing Officer will arrange for an appeal hearing to take place, in so far as is possible, within **10 working days** of receiving the appeal paperwork (please see letter template 3). The employee must state the grounds for the appeal, such as the decision didn't take into account all the facts presented, or the outcome was not appropriate to the grievance.

The appeal hearing will include the Appeal Hearing Officer, the appellant and their representative, the Grievance Investigation Officer and an HR Advisor (who will be in attendance to advise the Appeal Hearing Officer). There may also be a note taker present.

The purpose of the appeal is not to re-hear the grievance hearing but to present the specific parts of the initial hearing that the employee is not satisfied with.

The appeal decision must be made in writing stating that this decision is final (please see letter template 4).

#### **5. RETAINING PAPERWORK AND CONFIDENTIALITY**

All paperwork collected as part of the process will be placed together in a file and retained by Human Resources. This will be secured in a confidential location. All other copies of the paperwork will be destroyed

## LETTER TEMPLATE 1

Date/*Dyddiad*:

Our ref./*Ein Cyf.*:        /  
Your ref./*Eich Cyf.*:

Please ask for/*Gofynnwch am*:  
Direct Line/*Llinell Uniongyrchol*:  
e-mail/*e-bost*:        **your.emailaddress**

Dear

I write further to your grievance dated the (*insert date*) which was received on (*insert date*).

In accordance with the Council's Grievance Policy, I am writing to invite you to a grievance hearing on (*insert date and time*). The hearing will be held with (*name of Grievance Hearing Officer*) and (*name of HR Advisor*). The hearing will be held in (*enter location of hearing*),

You are entitled, if you so wish, to be accompanied by your trade union representative at this hearing.

Yours sincerely

**(name of Grievance Hearing Officer)**

## **LETTER TEMPLATE 2**

Date/**Dyddiad:**

Our ref./**Ein Cyf.:**     /  
Your ref./**Eich Cyf.:**

Please ask for/**Gofynnwch am:**  
Direct Line/**Llinell**  
**Uniongyrchol:**  
e-mail/**e-bost:**     **your.emailaddress**

Dear

Further to the grievance hearing held on (**insert date**) concerning (**give a few details of nature of grievance**), please find enclosed the Grievance Investigation Report and copies of all the documents which were presented at the hearing.

I am now writing to you to confirm the outcome.

After listening carefully to everything that you said, I have reached the following conclusions:  
**Decision details (i.e. grievance upheld, partly upheld or not upheld) and what was considered.**  
**Brief explanation of why the decision was made.**

In accordance with the Council's Grievance Procedure, I am required to advise you that you have the right of appeal. Your written notice of intention to Appeal together with the grounds of your Appeal must be provided to myself within seven working days of the date of this letter.

Yours sincerely

**Name of Grievance Hearing Officer**

Encs

## **LETTER TEMPLATE 3**



Date/**Dyddiad:**

Our ref./**Ein Cyf.:**  
Your ref./**Eich Cyf.:**

Please ask for/**Gofynnwch am:**  
Direct Line/**Llinell Uniongyrchol:**  
e-mail/**e-bost:**      **your.emailaddress**

Dear

### **NOTIFICATION OF INTENTION TO HOLD A GRIEVANCE APPEAL HEARING**

You have appealed against the (**decision of grievance hearing**) confirmed to you in writing on (**insert date of outcome letter**).

In accordance with the Council's Grievance Policy, I wish to advise you that your appeal will be heard by (**Name of Appeal Officer**) and (**name of HR Advisor**) on the (**insert date and time**). The appeal hearing will take place in (**location of meeting**).

You will have the opportunity, with your Trade Union representative, to present your grounds for appeal before the Appeals Panel who will ultimately decide if the decision made by the Grievance Hearing Officer should be upheld, overturned or modified.

I would be grateful if you could forward your written submission of the case and all relevant supporting documentation to myself at least **3 working days** prior to the hearing date.

The decision of this appeal hearing is final and there is no further right of review.

Yours sincerely

**(Name of Appeal Officer)**



**MERTHYR TYDFIL**  
County Borough Council  
Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**

## **LETTER TEMPLATE 4**

Date/**Dyddiad:**

Our ref./**Ein Cyf.:**  
Your ref./**Eich Cyf.:**

Please ask for/**Gofynnwch am:**  
Direct Line/**Llinell Uniongyrchol:**  
e-mail/**e-bost:**     **your.emailaddress**

Dear

You appealed against the decision of the appeal hearing that your grievance was not upheld.

The appeal hearing was held on (***insert date of appeal hearing***). I am now writing to confirm/inform you of the decision taken by (***name of appeal hearing officer***) who conducted the appeal hearing, namely that the decision to (***detail whether decision to uphold or overturn and give the reasons why, if overturned explain what action will be taken to resolve the grievance***).

You have now exercised your right of appeal under the Council's Grievance Policy and this decision is final.

Yours sincerely

***(Name of Appeal Officer)***