

CITY OF *Lincoln* COUNCIL

Grievance Procedure

Appendix C

1 The Purpose of this Procedure

- 1.1 A Grievance is a concern, problem, complaint, or potential dispute that employees raise with their employer.
- 1.2 This grievance procedure sets out a framework by which grievances are addressed in order to try and reach a resolution.
- 1.3 The objectives of this policy are to ensure that workplace problems, complaints or concerns are dealt with quickly and fairly as possible.
- 1.4 The Council encourages employees to resolve grievances and complaints at the informal stage in the first instance/ wherever possible, however the Council appreciates this may not always be appropriate and therefore this policy set out the full procedure for attempting to resolve grievances.

2 Responsibilities

2.1 Responsibility of Assistant Directors/Directors/Managers

- To understand and comply with the policy and to ensure the compliance of others.
- To respond sensitively and promptly to any issues raised under this policy.

2.2 Responsibility of HR

- To provide support and guidance on the application of this policy.
- To ensure as far as reasonably possible that timescales are met and escalated where necessary/required.
- To regularly review and update this policy as required.

2.3 Responsibility of the Trade Unions

- To respond sensitively and promptly to any issues raised under this policy.
- To attempt to work with both the employee and employer to resolve grievances before they reach the informal or formal stages of this policy.

3. Eligibility

The procedure applies to all current employees. However where an employee leaves the Council prior to the conclusion of a grievance, the manager would not meet with the former employee once they have left, but will write to them with their findings (and there would be no appeal rights as the individual is no longer an employee of the Council).

The grievance procedure cannot be used where the same issue has previously been determined under the Council's Dignity at Work Policy.

4 Use of this procedure

4.1 When this procedure should be used.

It isn't possible to list all the circumstances, but examples of when an employee may raise a grievance could include issues about:

- Terms and conditions of employment including pay.
- Health and safety.
- Equality.
- Working environments/practices.

4.2 When this procedure should not be used.

Employees should not use this procedure for those employment matters listed below as these are dealt with under separate policies:

- Grading of posts/ Job Evaluation scores.
- Dignity at Work matters (bullying, harassment, or discrimination complaints etc).
- Any policy with its own appeals procedures.

4.3 Collective Grievances

Where a grievance applies to more than one employee, it may be appropriate for the matter to be dealt with through a collective grievance process. In these instances, every effort should be taken initially to fully discuss the issues informally between the employees and their manager in an attempt to understand and resolve the situation. Should this fail, the procedure for collective grievances must be followed as set out in the Collective Consultation and Communication Agreement.

5 General principles

- 5.1 When an employee lodges a grievance the matter which is the subject of the grievance (status quo) will be maintained whenever possible, until it is resolved, or the procedure completed.
- 5.2 All parties will try to resolve issues as quickly as possible.

- 5.3 Employees have the right to be accompanied at all formal stages of the process by their trade union representative, a full-time trade union official or a work colleague. They may not have legal representation or be accompanied by their line manager.
- 5.4 Managers/Presiding Officers will keep written records, and where appropriate provide copies to the employee raising the grievance (and their representative where requested), including:
- letters.
 - reports.
 - meeting notes.
 - action plans.
 - agreements.
- 5.5 If an employee raises a grievance against an Assistant Director/Head of Service, where possible the relevant Director of that area will conduct stage 2 of the procedure and another Director or the Chief Executive will conduct the appeal stage (however where that is not possible, HR will appoint an alternative Presiding Officer at a similar level). If a grievance is raised against a Director, the Chief Executive will conduct stage 2 and the Member Investigatory Committee will conduct any appeal. If a grievance is raised against the Corporate Management team as a whole then the Council may appoint an appropriate external party to conduct the stage 2 processes, and the Member Investigatory Committee will conduct any appeal.
- 5.6 If an employee raises a grievance, which the HR Manager and the chair of the JCC Staff Side agree will affect other employees, then we will refer it to the Joint Consultative Committee in consultation with the employee. Everyone involved must recognise that there will be a delay in resolving the grievance during this consultation.
- 5.7 It is the responsibility of everyone involved in a grievance to try to resolve matters as quickly as possible without undue delay. However, in complex matters it may be appropriate to extend time limits provided in the procedure to allow sufficient time to deal with the matter appropriately.
- 5.8 Where a grievance or a dignity at work complaint has been received which relates to the same/similar matters arising from another investigation which is ongoing, the Council reserves the right to investigate these matters at the same time. In such cases the presiding officer will confirm this is appropriate.
- 5.9 If the complaint is about the direct line manager the employee should raise the matter with either the next senior manager or the HR department if they do not feel comfortable raising their concerns directly with their manager.
- 5.10 If the employee(s) are unable to attend any grievance meetings (set out within this procedure) because of circumstances beyond their control, they should inform the manager/ Human Resources/ Assistant Director (etc) conducting the meeting as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence, based on their written grievance statement and any other supporting documentation available.

6 Stages of the procedure

Stage 1 – informal

- 6.1 The purpose of the informal procedure is to help deal with complaints fairly, quickly and effectively, with confidentiality maintained. The focus of informal resolution is on exploring whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar issues arising in future.

Whilst the informal resolution of all complaints is encouraged in the first instance, if a manager deems the matter so serious in that it potentially has wider implications it may be appropriate to progress the matter formally straightaway. Equally, if an employee does not want the matter to be dealt with informally due to the serious nature (as outlined above) they can request that the grievance progresses to the formal stage straightaway.

- 6.2 In the first instance (unless a matter is deemed so serious that it has wider implications that it is more appropriate to progress the matter formally straightaway), you should raise any grievance that you may have informally with your line manager or the individual directly (as detailed below):

Option 1: If an employee has a concern, problem or complaint relating to another employee, the employee could in the first instance discuss this with the individual directly as it may be possible to agree an informal solution.

Option 2: Alternatively if an employee has a concern, problem or complaint relating to another employee and/or their work etc, the employee could in the first instance discuss this with their line manager as it may be possible to agree an informal solution.

- 6.3 Where the employee raises the grievance with their line manager (verbally or in writing), it should be raised as soon as possible and within a maximum of three months of the original issue or problem unless there are exceptional reasons why this is not possible.
- 6.4 The line manager will then arrange an informal meeting with the employee(s) concerned. The purpose of the meeting is to allow the employee to explain the complaint and the line manager to ask the employee how they would like to see the matter resolved. The focus of informal resolution is on exploring whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar issues arising in the future. A record of the meeting will be kept, and the line manager will write to all parties involved within 5 working days of the meeting confirming the outcome.
- 6.5 If the employee is not satisfied with the outcome, they must confirm this in writing to their Service manager/ Assistant Director/HR within five working days (as detailed in 7.1).

7. Stage 2 - formal

7.1 If the employee wishes to make a formal complaint, either straightaway due to serious nature of the matter (as outline above), or because the informal procedure has failed to resolve the complaint they should write to their Service Manager/Assistant Director/HR specifically detailing the following:

- details of the issues or problem.
- the reasons why they wish to use the formal complaint procedure/ why they are not satisfied with the outcome of stage 1.
- The outcome they want from the formal grievance.

Please see appendix 2 which sets out the required form which should be completed to raise a formal grievance.

The Service Manager/Assistant Director/HR may request further information from the employee before progressing the case, if the above information is not detailed within the original complaint/form.

If a manager deems it appropriate for the matters to progress to the formal stage straightaway they should discuss this with HR directly.

HR will appoint a suitable Presiding Officer, and the Presiding Officer will then write to any parties involved to notify them of the formal complaint and outline the next steps.

7.2 The Formal Grievance Meeting (Stage 2)

7.3 The Presiding Officer will then write to the complainant inviting them to a formal grievance meeting, this should ordinarily be held within 10 working days of receiving the formal grievance complaint. However, if this is not possible, the employee will be informed accordingly.

7.4 The grievance meeting provides the employee an opportunity to explain their grievance, share any evidence, provide details of any witnesses where applicable and to share how they think it should be resolved. It is also an opportunity for the Presiding Officer to ask any questions they may have in order to obtain a full understanding of the complaint and the circumstances to be considered.

7.5 Employees may be represented or accompanied if they wish, by a work colleague or a trade union representative at the formal grievance meeting.

7.6 At the end of the grievance meeting, the Presiding Officer will decide what action to take, if any.

7.7 In some cases, following the formal meeting the Presiding Officer may determine that further information is required to enable a fair decision to be reached and/or that there are potential conduct matters arising from the complaint. In these circumstances the Presiding Officer can meet with other employees to gather further information or request that an investigation into certain areas is conducted. Should this be the case the Presiding Officer will confirm with the employee(s) any steps they intend to take and anticipated timescales. A copy of the grievance

meeting minutes will be shared with the employee (and their representative where requested) for their records. Any investigation will be conducted in the same manner as to which they are carried out in accordance with the Councils Disciplinary procedure.

- 7.8 The Presiding Officer will meet with the employee(s) involved in the grievance to outline/ discuss their decision, along with any further actions or recommendations they may decide are appropriate for resolving the grievance. The grievance outcome reached will also be provided in writing to all parties and the Presiding Officer should aim to do this within 5 working days of the meeting.

8. Appeals Procedure (Stage 3)

- 8.1 If the employee is not satisfied with the outcome of the stage 2 grievance meeting, they should submit an appeal in writing to the HR Manager within five working days of the date of the decision, confirming:

- that they are not satisfied with the outcome of the stage 2 meeting
- The reasons why they wish to appeal against the Presiding Officer's decision.
- The outcome they expect to happen as a result of the appeal.

HR may request further information from the employee before progressing the case, if the above information is not detailed within their original appeal/complaint.

- 8.2 The HR Manager will acknowledge receipt of the appeal and will appoint a new Presiding Officer to hear the Appeal. The Presiding Officer will be at Assistant Director level or above and an Appeal meeting will be held as soon as possible.
- 8.3 The Presiding Officer will conduct the appeal meeting. They will consider the grounds for appeal, review the conclusion reached in the original grievance meeting and any other information relevant to the matter arising. Where appropriate, a member of the HR department may also be present.
- 8.4 Following the appeal meeting, the Presiding Officer will inform the employee of the outcome and confirm this in writing. The Presiding Officer will aim to do this within 5 working days, of the outcome. The outcome of the appeal is final.

9 Employee illness, absence, or adjustments.

- 9.1 It is the responsibility of everyone involved in a grievance to try to resolve matters as quickly as possible.
- 9.2 Where an employee is unfit to attend a meeting due to health related reasons/sickness absence within a reasonable period of time, their Trade Union representative or work colleague could (if requested) attend the meeting to represent the employee's interests. The employee can elect to additionally submit written representations for consideration.
- 9.3 Alternatively, the employee is unfit to attend within a reasonable period of time and elects not to have a representative, meetings may take place in the employees absence and a decision will be made by the Presiding Officer based on the

available information at the time of the meeting. The employee should be encouraged to provide written submissions for consideration in such instances.

- 9.4 Should employees require any reasonable adjustments during proceedings, it is the individual’s responsibility to raise this with Human Resources/the manager as soon as possible. In such cases we will consider providing appropriate reasonable support/adjustments during proceedings.

10 Vexatious or malicious grievances

- 10.1 We will not allow an employee to raise the same grievance again after this procedure has been exhausted (after stage 3).
- 10.2 In addition, the Council will commence a disciplinary investigation against an employee if, at any stage, the Presiding Officer considers that their grievance is vexatious or malicious.

11 Review of policy

- 11.1 This policy will be reviewed at intervals of three years, or earlier at the request of either the management or staff side.

Human Resources
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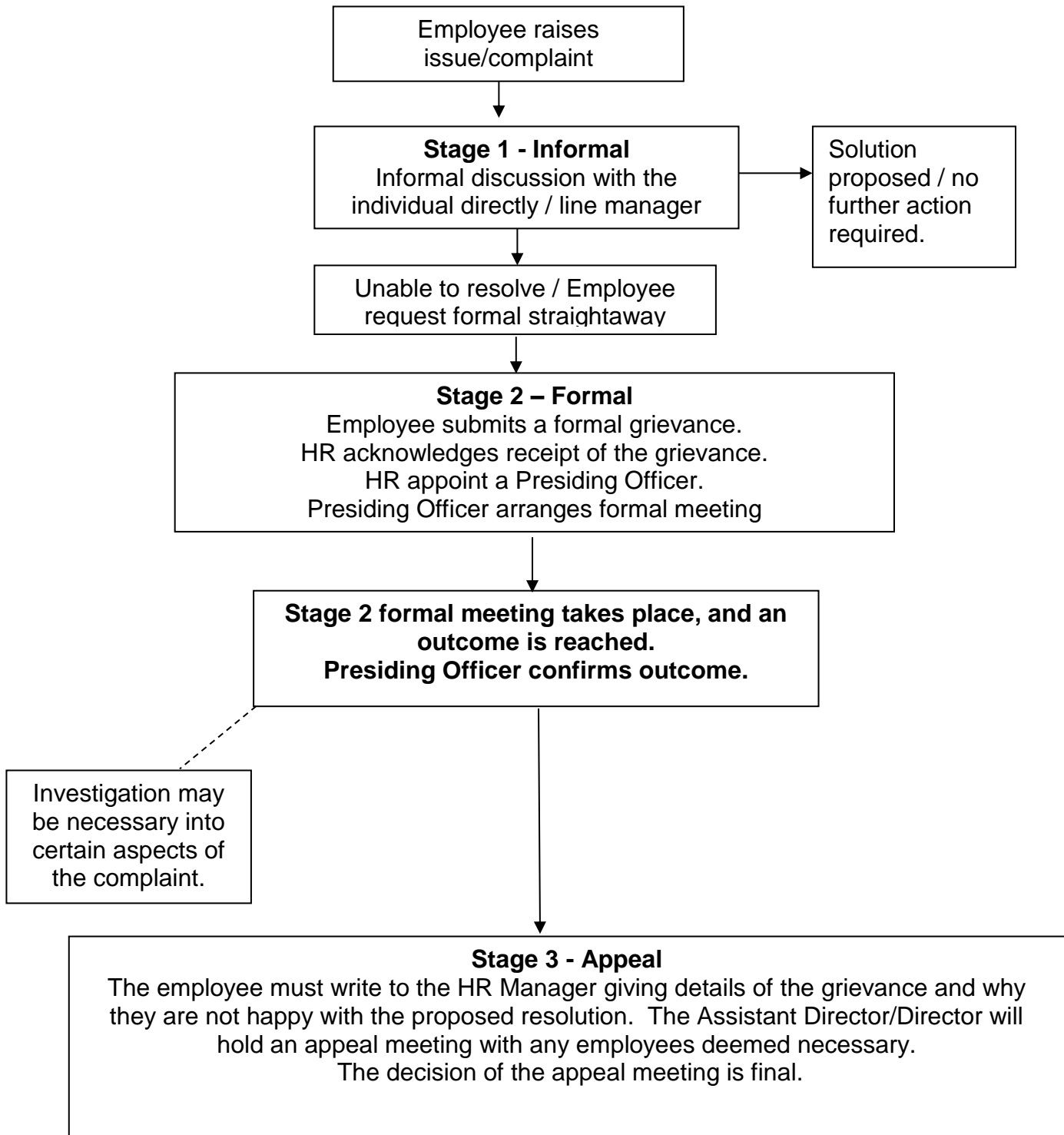
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The Grievance Procedure (General Guide)



Appendix 2

Formal grievance	
Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does your grievance relate to your line manager?	Yes/No
<p>Summary of complaint: (provide as much detail as possible) Please set out:</p> <ul style="list-style-type: none"> • The details of your complaint, issue or problem (including dates, times, locations and the identities of those involved) • The reasons why you wish to use the formal complaint procedure/ why you are not satisfied with the outcome of stage 1. 	
<p>Outcome requested: Please set out how you would like to see happen with your complaint/ how you feel it should be dealt with, and why and how you believe that this will resolve the issue.</p>	
<p>Declaration:</p> <p>I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)</p>	
Form completed by:	
Signature:	