



CORPORATE PERSONNEL POLICY AND GUIDANCE
PEOPLE AND DEVELOPMENT TEAM
People & Law

Grievance Procedure

July 2010

CONTENTS

		PAGE
1	Introduction	3
2	Scope	3
3.	Grievance Procedure	3
	Stage 1 – Informal stage	3
	Stage 2 – Formal Stage	4
	Stage 3 - Appeal	4
4.	Collective Grievances	4
5.	Representation	5
6.	Supportive Friends	5
7.	Mediation	5
8.	Supporting Notes	6
9.	Links to other Council Policies/Procedures	7
10.	Additional Reading	7
Appendix 1	Grievance Form	
Appendix 2	Grievance Procedure/Dignity at Work	

1. Introduction

Grievances are concerns, problems or complaints that employees raise with employers. Employers and employees should always try to resolve problems in the workplace at the earliest possible opportunity.

This procedure provides the opportunity for any individual employee, or group of employees, who have a grievance relating to any matter concerning their work with the Council to have the grievance considered by appropriate levels of management.

2. Scope

This procedure applies to all employees of Burnley Borough Council with the exception of the Chief Executive, Directors and Heads of Service.

This procedure excludes matters relating to:

- Job Evaluation and grading matters
- Disciplinary matters
- Dismissal
- Selection for redundancy
- Sickness absence management matters
- National Conditions of Service

Where practicable, the proposed action, which has caused the grievance, should not be implemented until the grievance has been resolved or has been considered, without agreement, at Stage 3 of the procedure. In making the decision not to implement the proposed action or otherwise the Manager concerned shall take account of a possible detrimental effect on employees including the health and safety of employees and/or the public, service provision and/or competitive viability.

If the status quo is not to apply then reasons must be given in writing to the aggrieved party within 24 hours.

3. The Grievance Procedure

Stage 1 - Informal stage

Any employee who has a grievance or complaint relating to their employment should first talk the matter over on an informal basis with their immediate line manager. He/she should discuss the employee's concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly and provide a response within 2 working days.

Stage 2 - Formal stage

Where a grievance is serious or the employee has attempted to resolve a problem informally without success they should raise the matter formally and put their grievance in writing to the next tier of management on the attached form.

- After consultation with the People & Development team, the manager shall call a meeting of the interested parties to discuss the issue with the employee within 10 working days. The meeting may be postponed, at the employee's request, for up to five working days, if their chosen companion is not available to attend on the date set for the meeting.
- At the meeting, employees should explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- The manager will also meet with the line manager if necessary to obtain information and the outcomes from the previous discussions held under this procedure.
- The manager will normally provide the outcome to the grievance within 5 working days of the meeting, and will give the employee his/her reasons in writing. This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.

Stage 3 – Appeal

Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting their grievance to their Head of Service (or Director if the Head of Service dealt with the grievance at Stage 2) by notifying them in writing, enclosing a statement of grievance, within 10 working days of the date of the letter confirming the Manager's decision.

After consultation with the Manager (who shall provide copies of all previous documentation) the Head of Service shall call a meeting within 15 working days of receipt of the employee's request.

The manager will normally provide the outcome to the grievance within 5 working days of the meeting, and will give the employee his/her reasons in writing. This timescale may be extended depending on the issues raised and the length of time it takes to resolve them. The outcome should be provided within a reasonable timescale and the reasons for any delay should be communicated to the employee.

4. Collective Grievances

Collective grievances (i.e. where more than one employee has concerns) may be dealt with under this procedure. A collective grievance should be brought by the trade union or elected spokesperson to be discussed and resolved as appropriate with the line manager in the first instance. Where the issue is not

resolved, the matter will be considered as above with the right of appeal to the Head of Service.

5. Representation

All employees have the right to be accompanied at the formal stages of this procedure by a “companion”. This will be either a trade union representative or a work colleague. The companion is allowed to address the hearing to put and sum up the employee’s case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee’s behalf, address the hearing if the employee does not wish it, or prevent the employee from explaining their case.

Employees must make all reasonable efforts to attend a meeting arranged under this procedure. Failure to attend may result in the matter not being considered any further. Where a companion is unable to attend he/she may request a postponement and must provide an alternative date to the manager within 5 days. If the proposed date is acceptable all parties must attend on that date. If this date is not acceptable the manager hearing the grievance will, in consultation with all parties, determine when the hearing will be held.

It is the responsibility of each employee to arrange their own representation.

6. Supportive Friends

The Council has set up a confidential support network of trained volunteers “Supportive Friends” to provide support to employees. Employees can contact Supportive Friends in confidence to discuss issues of concern to them relating to, or affecting work. Contact details for supportive friends are available on the Hub.

7. Mediation

There may be occasions where an independent and impartial third party or mediator can help to resolve a grievance. Mediation is only useful where both parties are willing to undertake the mediation

Mediation is a voluntary process where the mediator helps two or more people in dispute to reach an agreement. An agreement comes from the individuals in dispute not the mediator.

Mediation may be particularly relevant where relationships appear to have broken down or where there are communication problems.

Where it is jointly agreed that mediation is appropriate to resolve a dispute, the grievance procedure should be suspended.

For further advice on the appropriateness of mediation in a particular case managers should speak to the People & Development Team.

8. Supporting Notes

- The manager will provide the outcome to the grievance within a reasonable timescale. This timescale may be extended depending on the issues raised and the length of time it takes to resolve them and the reasons for any delay should be communicated to the employee.
- Every effort will be made to deal with grievances as speedily as possible.
- Where, due to the nature of a matter raised, or the seniority or nature of the post of the employee raising the grievance, the grievance had to be dealt with by the Head of Service at Stage 1 then it may be heard by another Head of Service or Director at Stage 2 and 3.
- Where the employee's line manager or Head of Service is unavailable or is involved then it may be necessary to nominate another Head of Service or Senior Officer to deal with that stage of the procedure.
- Full details of the grievance should be included in the formal submission. The reasons why the decision at the informal stage is not acceptable should be included in the submission to the Manager on the attached form.
- A grievance cannot be brought by an employee who has been notified of the date of an investigatory interview or hearing in accordance with the Council's Disciplinary Procedure concerning an alleged act of misconduct by them or unsatisfactory performance by them if the declared grievance is connected with that matter or the arrangements for that interview or hearing. Where the matter of the grievance directly relates to the disciplinary matter it should be dealt with as part of that process and in many cases will form part of the employee's submission.
- Where a matter has already been raised and addressed during a disciplinary procedure it may not be raised again.
- In certain circumstances unresolved grievances that relate to the principles of collective agreements may be registered by a Trade Union for consideration under the Joint Secretaries conciliation processes.
- Once the Grievance Procedure has been invoked, additional issues cannot be added as the grievance progresses through the stages. New grievance issues must commence at the informal stage.
- Where a grievance is deemed to have been suitably resolved because the employee did not progress the grievance within the specified time period, the employee will not be able to re-submit the same grievance.
- Once the Grievance Procedure has been completed in accordance with this Procedure, the employee will not be able to re-start the procedure in respect of the same grievance unless the action decided by management to resolve the grievance has not been implemented.
- Any employee who raises a vexatious grievance may be subject to disciplinary action.

9. Links to other Council Policies/Procedures

Dignity at Work Policy

10. Additional Reading

Heads of Service and Managers who may become involved with handling grievance and related issues are advised to obtain a copy of the A.C.A.S. Code of Practice on Disciplinary and Grievance Procedures (www.acas.org.uk). Further information is available from the People & Development Team.

VW/Update
October 2010

SHARED\Personnel Manual PUN71\Working Documents\Grievance Procedure October 2010 DRAFT.doc

Grievance Form

This form is to be used throughout the formal stages of the Grievance Procedure.

Name	
Job Title	
Service Unit	
Line Manager	
Date of informal meeting	
To (Line Manager/Head of Service)	

I wish to formally submit the following Grievance relating to my employment with Burnley Borough Council (continue on additional sheets if necessary)

Background – What has happened? (Please give details of time(s) and date(s) if appropriate)	
Why are you aggrieved?	

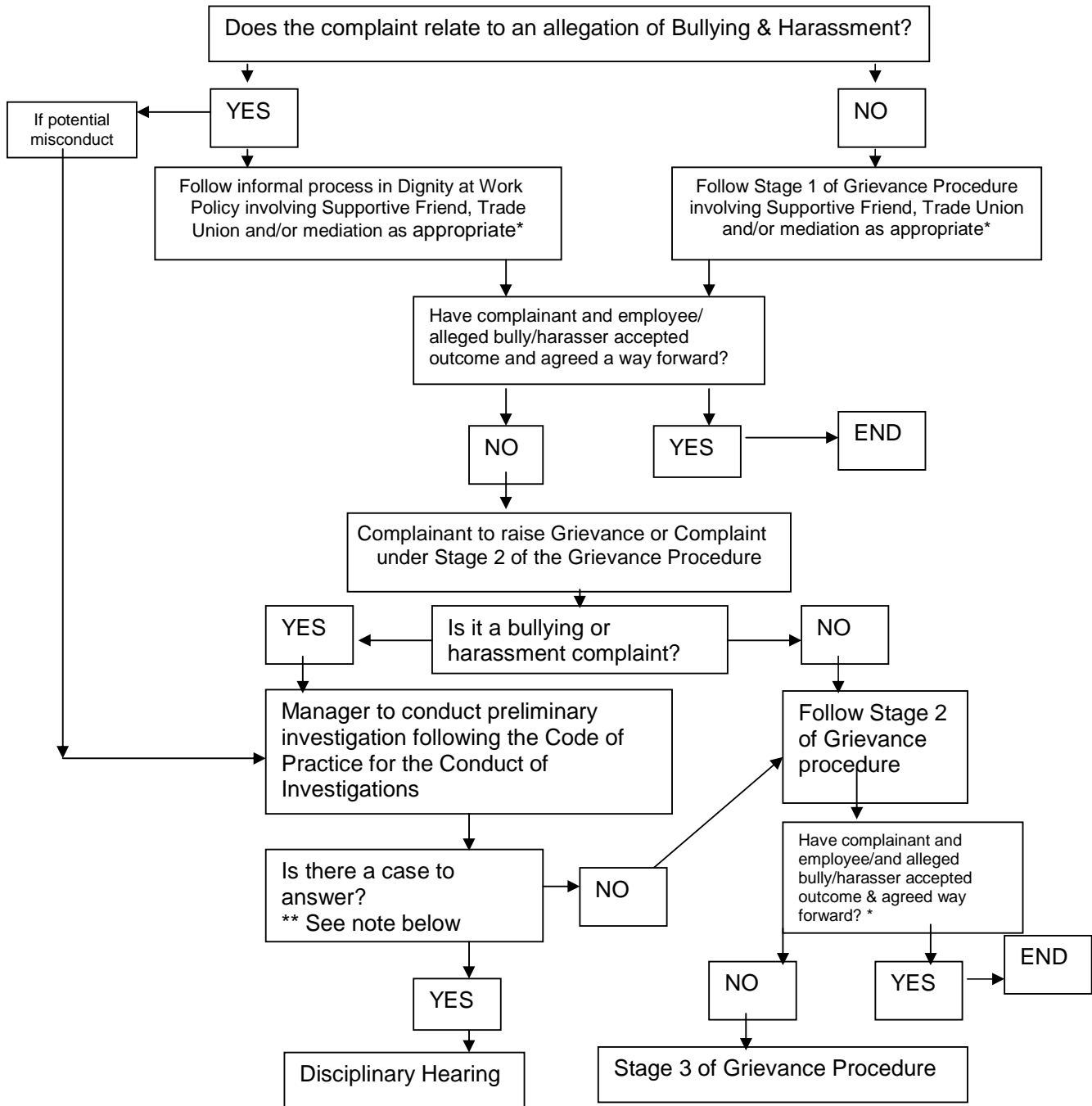
<p>What was the outcome, of the discussion with your line manager</p>	
<p>What remedy do you want? What do you think Management should do to resolve the grievance to your satisfaction?</p>	

Signed _____ Date _____

All sections of this form must be fully completed before submission to your Manager/Head of Service. You are advised to seek advice from your Trade Union Representative before submitting it.

Please retain a copy of this document along with any written responses you receive for your records and future reference.

Procedure to follow for Grievances and Complaints of Bullying or Harassment



* Accessing support from either a Supportive Friend, Trade Union Representative and/or Mediator from the outset, and throughout the process, is recommended.

** If it is established that there is a case to answer, managers will need to determine whether it is appropriate to follow the remainder of the grievance procedure or to commence disciplinary proceedings. Managers may wish to consider the potential for a finding of misconduct, serious or gross misconduct when making this decision.