
Grievance Policy and Procedure

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Summary of document

This document sets out the Policy and Procedure for how Rutland County Council will manage Grievances raised within the workplace.

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1. POLICY STATEMENT

- 1.1 This policy applies to employees of Rutland County Council regardless of their status or length of service.
- 1.2 This Procedure will be subject to periodic review and amendments may be made from time-to-time following consultation with the appropriate recognised unions.
- 1.3 Where necessary, this Procedure can be departed from depending on the particular circumstances of the grievance – this would be done with further advice from Human Resources.

2. PURPOSE & SCOPE

- 2.1 The Grievance Policy and supporting procedure at Rutland County Council aims to mutually resolve an employee's grievance raised within the workplace.
- 2.2 It is the responsibility of both parties to work together to resolve any issues in a timely manner and to avoid any unreasonable delays.
- 2.3 A grievance is defined as a concern or problem about an employee's work, such as their personal terms, working conditions and working relationships, except where another more specific process exists for that purpose, such as but not limited to, collective matters more appropriately dealt with through the Local Joint Council (LJC), pension appeals, disciplinary appeals, redundancy/redeployment appeals, probationary appeals, job evaluation appeals, training agreements, recruitment complaints, constitutional or financial regulation matters, and matters covered by the whistleblowing policy. Grievances will not be progressed under this procedure if the above areas are applicable.
- 2.4 The Council operates a separate Whistleblowing Policy to enable employees to report issues of concern, illegal activities, wrongdoing or malpractice.
- 2.5 This policy and procedure can be used for both individual and collective grievances.

3. AIMS AND OBJECTIVES

- 3.1 To enable an employee to air their grievance fully, openly and honestly, in a safe environment without any detriment, providing the grievance is in good faith.
- 3.2 Grievances are best dealt with at an early stage, informally, with their immediate line manager. Pursuing the formal route should be a last resort rather than the first option.

- 3.3 For all parties to co-operate in finding a satisfactory solution to the grievance, where possible, seeking one which is of mutual benefit to both the employee and the council.
- 3.4 To carry out any investigation required fully and with integrity.
- 3.5 To take appropriate action to help prevent recurrence of any problem identified.
- 3.6 Where a grievance cannot be resolved, a compromise solution should be sought if at all possible.

4. RAISING A GRIEVANCE - INFORMAL STAGE

- 4.1 If an individual has a grievance or complaint relating to their work or the people they work with, they should try to resolve it informally in the first instance. However, while we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate, for example if your grievance relates to a serious issue such as discrimination. Therefore, if the informal process does not resolve matters or is not appropriate, you should raise a formal grievance under this procedure.
- 4.2 This involves talking to the line manager about the problem to ensure that:
 - The line manager fully understands what the concern is.
 - The individual and their line manager can explore possible reasons for the matter which is causing the difficulty.
 - A solution might be found, either as a result of improved understanding of the issue and the reasons for it, or as a result of changes or actions which might be made to resolve the problem.
- 4.3 If an individual feels that they cannot discuss the matter with their line manager they may wish to seek help from their trade union representative, Human Resources (HR) or, if necessary, ask to discuss it with their line manager's manager.
- 4.4 An individual may, at any stage in the process, seek advice from their trade union representative. However, they do not have the right to be accompanied at an informal grievance meeting, unless permitted to do so in line with section 8.3
- 4.5 The date of the informal discussions and any actions agreed should be recorded, but no formal notes of the meetings will be made as these discussions do not form any part of the formal process.
- 4.6 In some cases an independent mediator may help to resolve problems, especially those involving working relationships, and if this is the case the line manager should contact HR for further information. Mediation may be appropriate at any stage. As per section 9.3.

5. RAISING A GRIEVANCE – STAGE 1 - FORMAL STAGE

- 5.1 To raise a formal grievance the employee must register it in writing to their line manager, setting out the nature of the grievance, using the form in Appendix 2. Managers should then aim to follow the guidance in Appendix 3 & 4.
- 5.2 Grievances should be raised as soon as possible after the event or incident complained of. In all circumstances grievances should be raised within 3 months unless exceptional circumstances exist which justify a departure from this, e.g., a serious discrimination case or an inability to raise the grievance due to a medical illness – evidence will be required.
- 5.3 Where the grievance concerns the employee's line manager, it may be more appropriate for the employee to address the grievance to their line manager's manager.
- 5.4 In the event that the line manager is unavailable then the matter should be addressed with their manager's line manager.
- 5.5 Within 10 working days of receipt of the written grievance, the manager notified will arrange a meeting venue, date and time with the employee and remind them of their right to representation.
- 5.6 It is the employee's responsibility to make any arrangements with their representative or colleague.
- 5.7 The manager may consider arranging for someone who is not involved in the case to take notes of the meeting and to act as a witness to the contents of the meeting. However, verbatim notes are not expected.
- 5.8 The meetings should be planned to be held without a reasonable delay whilst allowing the employee reasonable time to prepare their case.
- 5.9 If the employee falls ill or other circumstances beyond their control prevent them attending the meeting, then an alternative date should be arranged. The Council will consider holding the meeting at a neutral venue if this is deemed helpful. However, it is unlikely that it would be reasonable to defer the meeting more than once.
- 5.10 If the employee is signed off as unfit to work by a General Practitioner at the start of, or at any stage during the procedure, the individual will still be invited to a meeting, as per para 5.5. A range of options will be offered to the employee to help them to participate e.g. Microsoft Teams or a neutral location.
- 5.11 Where the individual fails to participate in the process, despite reasonable adjustments being made, the Council will write to give one month's notice of the withdrawal of the grievance unless participation (whether direct or indirect) can be arranged.

- 5.12 The manager may seek advice from HR as to whether similar grievances have been raised before, how they were resolved, and any follow up action carried out, to allow for consistency of treatment where appropriate.
- 5.13 The manager should also consider whether any reasonable adjustments are necessary to enable any person (whether the employee, the representative/colleague, or any other person involved) to participate in the Stage One meeting.

5.14 Stage One Meeting

- 5.14.1 After introducing those present, the manager should start the meeting by inviting the employee to explain their grievance and how they would like to see it resolved.
- 5.14.2 The aggrieved party will be asked to present any evidence they have to support their grievance, including giving advance notice to the manager of any witnesses who can, and are willing, to be contacted in support of their allegations. Please see further detail on Witnesses at section 9.5.
- 5.14.3 The line manager should adjourn the meeting prior to taking any decisions in order to reflect and consider all points raised, and also, where the line manager consider it necessary, to investigate further/ talk to identified witnesses.
- 5.14.4 Individuals who are the subject of a grievance will be informed about the nature of the complaint against them and be given an opportunity as part of the process to put forward their version of events, including identifying witnesses who can be contacted to provide evidence to support their case.
- 5.14.5 The designated manager/ supervisor dealing with the grievance should ensure that all affected parties are offered wellbeing support and kept up to date with any development/ outcomes in a timely manner.
- 5.14.6 The Manager should be mindful of any course of action proposed which impacts upon another function of the Council and should ensure that this action is agreed by the relevant manager in advance.
- 5.14.7 The manager should advise the employee of the outcome of the grievance, any action they propose to take and the timescales for that action.
- 5.14.8 The manager must let the employee know that they may appeal against the outcome of the stage one formal meeting and progress to the next and final stage, if they consider that the grievance has not been satisfactorily resolved.
- 5.15 A copy of the grievance and the relevant notes should be put on the individual's personnel file, aligned with General Data Protection Regulations.

6. STAGE TWO: APPEAL HEARING

- 6.1 If the employee considers that their grievance has not been satisfactorily resolved at stage one, the employee can appeal.
- 6.2 The employee must do this in writing to HR, within 10 working days of receipt of a written outcome from the line manager, clearly stating the grounds of appeal.
- 6.3 The Appeal will be heard by either the Director or a nominated senior officer (Appeal Manager).
- 6.4 An Appeal Meeting will be held as soon as possible and where achievable, within 10 working days. The meeting will be attended by the Appeal Manager, employee and their representative, a HR representative and if applicable, the Grievance Manager.
- 6.5 The purpose of the Appeal Meeting is to consider the grounds that the employee has submitted and assess whether or not the conclusion reached in the stage 1 grievance was appropriate. The Appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance. The Appeal Manager may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 6.6 The decisions available to the Appeal Manager are:
 - To uphold the employee's grievance and advise the Line Manager to take the necessary action.
 - To dismiss the grievance. The decision of the Appeal Manager is final and there is no further right of appeal.
- 6.7 The Appeal Manager should reconvene the Appeal Meeting whether on the same or a different day to explain the decision, the reasons for it and any further action proposed to rectify the issues raised.
- 6.8 In appropriate circumstances and with the agreement of the employee it may be possible to agree for the decision to be communicated in writing only but in any event all decisions should be confirmed to the employee in writing within ten working days of the Appeal Meeting.

6.9 Stage 2: Meeting Format

- 6.9.1 After introducing those present, the Appeal Manager will remind the employee of their right to representation, if unrepresented.
- 6.9.2 The employee raising the appeal will be asked to present their grounds of appeal and what outcome they are seeking. The Appeal Manager will be able to ask further questions of clarification if appropriate and necessary.
- 6.9.3 The Appeal Manager will then summarise the main points made.

- 6.9.4 The meeting will be adjourned prior to taking any decisions in order to reflect and consider all points raised.
- 6.9.5 The panel's decision will be given within a reasonable time of the hearing and may be given either orally or directly in writing.
- 6.10 A copy of the outcome and relevant notes from the meeting will be put onto the employee's personal file, aligned with General Data Protection Regulations.

7. COLLECTIVE GRIEVANCES

- 7.1 Where an identical grievance is made by two or more employees (collective grievance) and all employees agree, a joint written grievance can be submitted. In such circumstances the Grievance Form should be headed "Formal Collective Grievance" and must: -
- detail the nature of the grievance and the outcome being sought.
 - identify the individuals who wish to raise the grievance.
 - identify any nominated trade union representative or colleague to represent them all.
 - state that all have voluntarily consented to use the collective grievance process and.
 - confirm that each individual understands that the grievance will give each of them the right to only one collective grievance meeting and outcome, and (if applicable) appeal meeting and outcome. If it is not agreed, separate grievances will apply.

8. RIGHT TO BE ACCOMPANIED

- 8.1 Employees may bring a workplace colleague or recognised trade union representative to any formal Grievance Meeting under this procedure.
- 8.2 If a worker's chosen companion will not be available at the time proposed by the employer, the employer must postpone the meeting to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.
- 8.2 The Grievance Manager may at their discretion allow the employee to bring a Companion who is not a workplace colleague or Trade Union representative if this will help overcome a disability or if the employee has difficulty understanding English.
- 8.3 A workplace colleague or Trade Union representative may make representations and ask questions at a Grievance Meeting but should not answer questions on the employee's behalf. The employee may talk privately with their workplace colleague or Trade Union representative at any time.

- 8.4 Acting as a workplace colleague or Trade Union representative is voluntary and no employee is required to fulfil this role unless they are happy to do so.
- 8.5 If the employee's choice of workplace colleague or Trade Union representative is unreasonable, the line manager will seek HR guidance regarding any requirement for them to choose someone else. For example:
- If there is a conflict of interest or the workplace colleague or Trade Union representative's attendance may prejudice the Grievance Meeting; or
 - If the workplace colleague or Trade Union representative's unavailability will undermine the Grievance Manager's ability to call a Grievance Meeting within the prescribed timeframes unless exceptional circumstances exist.
- 8.6 A HR representative will also be present to take notes and provide procedural advice.

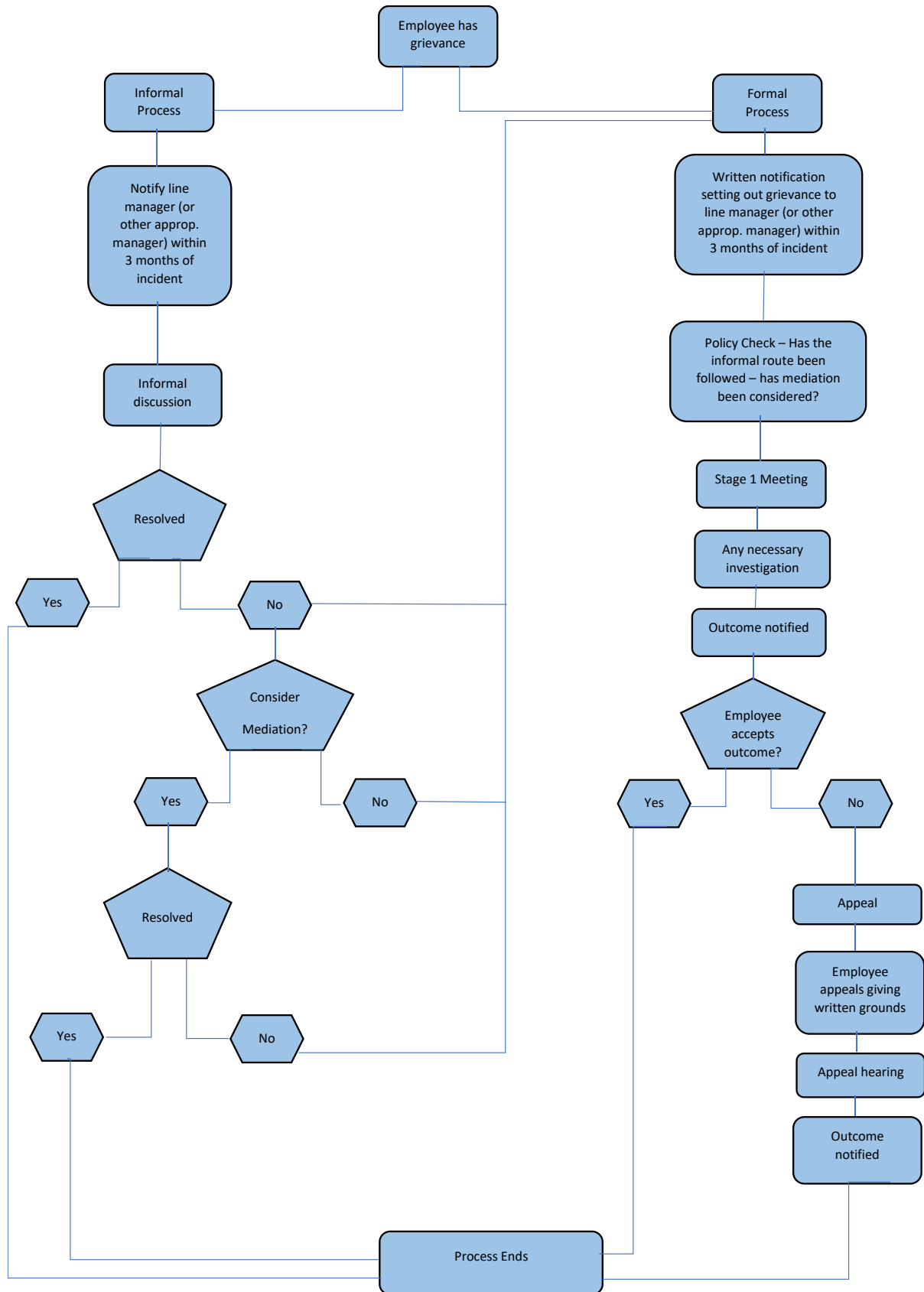
9. EXPLANATORY INFORMATION

- 9.1 Timescales – All grievances should be handled in a timely manner without any unreasonable delays. The timescales within this policy are recommended timescales only.
- 9.2 Reasonable Adjustments – will be made as appropriate and proportionate to enable parties to participate fully.
- 9.3 Mediation – This is a voluntary process, agreed by both parties, whereby an independent mediator helps two or more people in dispute to attempt to reach an agreement. The agreement comes from those in dispute, not from the mediator. Mediation can be used at any stage of the grievance process. This will mean that any formal procedures are halted whilst the mediation route is pursued. However, this route should be followed with appropriate urgency, bearing in mind the importance of obtaining a resolution to the situation. If mediation is unsuccessful, the process will revert to the stage reached prior to mediation.
- 9.4 Record Keeping – A written record must be kept of any grievance that is dealt with via the formal process. Records will include:
- 9.4.1 The nature of the grievance
- 9.4.2 What was decided, and the actions taken
- 9.4.3 The grounds of appeal and the outcome of the appeal
- 9.4.4 Any notes taken of meetings (not verbatim) and relevant evidence.
- 9.4.5 The Council does not permit the recording of the meeting by any means other than through contemporaneous notes, except in exceptional circumstances and in agreement by all parties concerned.

- 9.4.6 Documentation kept on file will be removed and destroyed after 12 months or following satisfactory resolution, whichever is sooner.
- 9.5 Witnesses - Whilst witnesses are asked to come forward to provide evidence, this is voluntary. Employees should understand that witnesses are an essential part to most grievance cases and their cooperation supports an efficient and fair decision-making process. Witnesses do not have the right to be represented under this policy.
- 9.6 Grievances resulting in disciplinary action – If an employee’s grievance results in disciplinary proceedings against another employee, then these will be handled in accordance with the Disciplinary Procedure. The employee raising the grievance has no right to influence or be informed of the outcome of the disciplinary proceedings, although they may be called as a witness to any disciplinary hearings which may subsequently occur.
- 9.7 Harassment & Bullying Claims – The grievance procedure will be used in all cases of bullying and harassment. Mediation can be a powerful tool in such circumstances.
- 9.8 Overlapping grievance and disciplinary cases – Where an employee raises a grievance whilst undergoing a disciplinary process, dependent upon the circumstances, the grievance may be considered as part of the disciplinary process or both the disciplinary and grievance processes may run concurrently. In exceptional circumstances the disciplinary process may be temporarily suspended to allow the grievance to be dealt with separately. Please refer to HR for further guidance and support.
- 9.9 Counter grievance – A counter grievance is one that is submitted by an individual in response to a grievance against them. Where a counter grievance has been submitted, no decision will be reached until both grievances have been concluded. Where the counter grievance is received within 7 working days of the conclusion of the initial grievance, the individual raising the grievance will be notified that any outcome of the counter grievance could affect the decision relating to their grievance.
- 9.10 Abuse of the grievance procedure – Employees who abuse the grievance policy by making unfounded complaints or operating the procedure vexatiously may be subject to disciplinary action.
- 9.11 Grievances from employees who leave the Council part way through the process – If a grievance is already being progressed and the employee leaves before the process has been completed, the Council’s procedure should still be followed where practically possible, in order to try and resolve the issue. Managers should contact HR for further advice.
- 9.12 Monitoring – This policy and its application will be subject to monitoring by the Head of Human Resources.

- 9.13 Grievances against Chief Officers (Directors) - will be dealt with under this policy. HR will seek independent and expert advice where necessary i.e. through the Local Government Association.
- 9.14 Grievances against the Chief Executive – will be dealt with under the relevant JNC policies and procedures.

APPENDIX 1: GRIEVANCE PROCEDURE FLOWCHART



APPENDIX 2: GRIEVANCE FORM

This form should be completed by an employee registering a Stage 1 Formal grievance and sent to the appropriate manager as stated within the procedure.

Employee Name	
Job Title	
Department/Team	
Date	

Policy Checklist: Informal Stage

Informal complaint raised on: (insert date)	
Informal complaint raised with: (insert line manager's name)	
If the informal was not followed, please explain why....	

Summary of complaint

Please set out the details of your complaint (providing as much detail as possible), particularly dates, times, locations, and the identities of those involved). You may attach additional sheets if required.

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Individuals involved in the alleged incident/complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:

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 actions being taken against me by the Council. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

Form completed by	
Signature	
For completion by Rutland Council:	
Form received by	
Date	
Signature	

APPENDIX 3: MANAGEMENT CHECKLIST FORMAL STAGE

(This is not an exhaustive list and is intended for guidance purposes only and should be read in conjunction with the policy):

Upon receipt of a formal written grievance complaint:

Has the informal route been considered?	
Has the complaint been submitted within the timescales? - unless exceptional circumstances apply	
Has the complaint been submitted on the appropriate form? (Appendix 2) – unless there is a need to make a reasonable adjustment	
Has mediation been offered/ considered/ rejected?	
Has the form been submitted to the right person?	
Complete the Timeline form in Appendix 4 – observing policy timescales	
Acknowledge receipt of complaint – letter/ email – (copy to HR)	
Arrange the grievance meeting within 10 working days of receipt	
Write to the employee informing them of the details of the meeting and their right to representation.	
Reminder: All documents to remain confidential. An audit trail must be maintained with copies of all correspondence/ papers going to HR.	

Stage 1: Formal Grievance Meeting

Ensure that the meeting is private and free from interruptions	
Ensure that there is someone to take the meeting notes	
Has the person been advised of their rights to be accompanied? Please confirm prior to commencing meeting.	
Invite the employee to talk through their grievance complaint – using appendix 2 as guidance	
Identify evidence that can support their complaint or witnesses that could be spoken to as part of the investigation.	
Explain that where the grievance concerns another employee(s) the information will be shared with them to enable them to provide their own version of events.	
Adjourn to enable time for reflection and sum up	
Reconvene meeting - double check any points that are not clear	
Ensure the individual has been given a full opportunity to share everything with you	
Sum up and confirm what the scope of the grievance is, actions that will be taken and timescales expected as to when an update/ resolution is likely	
Agree and set the next date for an update on progress or decision (whichever applies)	
Reminder: (Audit trail – notes of meeting essential) The meeting should be handled sensitively to encourage an open conversation. Do not be afraid to challenge a statement/ perspective. Take breaks if the meeting is emotional. Reassure the individual of next steps and when they will next hear from you	

Investigation Stage:

Scope out the investigation – see HR for advice	
Arrange confidential meetings with identified parties – arrange for a note taker to be present	
Source documentary evidence as required	
Ensure notes of meetings are typed up and signed off by the individual witnesses	
Reiterate that all meetings are confidential and should not be discussed outside of the meeting room	
Rights to be accompanied do not extend to witnesses	
Once all lines of reasonable investigations have been exhausted – analyses the data and decide as to whether the grievance is upheld or not and the reasons for your decision. Collate in a report format – HR can advise	
NOTE: You can arrange to meet with the person raising the grievance more than once to clarify or re-question them on issues that arise during the course of the investigation to check understanding.	
Meet with the person raising the grievance, on the agreed date, to provide an outcome or update – (see notes below)	
Reminder: (Audit trail – notes of meeting essential) If, at the date when you agreed the next meeting with them, you are not in a position to make a determination on the matter, hold your meeting as scheduled to update them on your progress and provide a revised date.	

Stage 1 Meeting – Final determination meeting (decision)

Meet with the employee as agreed	
Inform the employee of their right to be accompanied	
Provide the employee with your decision and reasons for it – advise that this will be followed up in writing with a copy of the outcome letter placed on their HR File. <i>(this meeting is not a further grievance meeting – this is an outcome meeting – at this stage all evidence & statements should have been provided)</i>	
Remind the employee of their right of appeal – this will also be included within the outcome letter	
Reminder: (Audit trail – notes of meeting essential) Ensure the timeline is updated and all paperwork is returned to HR Ensure that no duplicate documents are stored anywhere. Delete any electronic files – ensuring HR have had copies.	

APPENDIX 4: TIMELINE OF EVENTS – EXAMPLE TEMPLATE

Employees Name: _____

Date	Event
	Formal Grievance Submitted
	Acknowledge grievance and arrange a date to meet
	Stage one grievance meeting
	Investigation stage
	Date agreed to meet up Meeting to either: Update on progress or provide outcome
	Outcome provided: Grievance Upheld or Not Upheld
	Outcome letter sent out to Employee - right of appeal noted in letter

	Process postponed allowing for mediation
	Process recommenced (where mediation is unsuccessful) Process terminated (where mediation is successful)

**A large print version of this document is
available on request**



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