

Medway Council Grievance Policy

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Responsible Officer: Samantha Beck-Farley



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1.0 Introduction

- 1.1 The Council is committed to providing a working environment where individuals are treated with fairness, dignity and respect and will take all employee grievances seriously.
- 1.2 Grievances are concerns, problems or complaints that employees raise with their employer in relation to issues such as, the work they are being asked to do, working conditions, and workplace relationships. Matters covered by other procedures will not be covered by this policy (see section 6.2).

The grievance procedure allows employees to raise genuine workplace grievances and have them dealt with fairly, consistently, promptly and objectively and with a view of trying to achieve an agreed resolution. This policy encourages informal resolution wherever possible but also provides a formal process for more serious complaints.

- 1.3 Complaints of harassment and/or bullying are dealt with using a similar procedure but are distinct from grievances. Please see the Harassment and Bullying Policy for guidance on raising a complaint of harassment and/or bullying.
- 1.4 The grievance policy and procedure follow the guidance contained within the ACAS Statutory Code of Practice for Disciplinary and Grievance Procedures.

2.0 Scope

- 2.1 This policy applies to all employees of Medway Council apart from school-based staff and the Chief Executive, who are covered by separate policies.

3.0 Equality Statement

- 3.1 The Council is committed to ensuring that no service user, employee, job applicant, those with care experience, partner, contractor, supplier or member of the public will be unlawfully discriminated, harassed or victimised on the grounds of race; ethnicity; nationality; ethnic or national origin; colour; disability; gender identity or presentation; marital or civil partnership status; maternity or pregnancy; family and caring responsibilities; sex; sexual orientation; age; HIV status; religion or belief; political beliefs; social class; trades union activity; carer or cared-for status; or irrelevant spent convictions.

4.0 Core Values and Council Objectives

- 4.1 This policy supports the Council's Our Values and Behaviours. The Council believes that a consistent approach to employee management and wellbeing is fundamental to the delivery of quality services, one of the aims of the policy is to support this belief.

5.0 Roles and Responsibilities

- 5.1 Employees' Responsibilities:
 - To treat colleagues with dignity and respect in line with Our Values and Behaviours.

- To work collaboratively to resolve concerns on an informal basis and find an informal resolution where possible before lodging a formal grievance, including participating in mediation.
- To raise grievances with your line manager (or grandparent manager) as soon as possible, rather than allowing issues to build up over time.
- Only raise formal grievances when informal procedures have been exhausted, or when it is of such a serious nature that it cannot be resolved informally, using the grievance form.
- To understand that firm management, including setting clear standards and addressing concerns promptly and directly, does not automatically constitute bullying or harassment.

5.2 Line Managers' Responsibilities:

- To treat colleagues with dignity and respect in line with Our Values and Behaviours and in a fair and consistent manner, including those who have raised a grievance and any alleged perpetrators.
- To ensure that employees are signposted to other support mechanisms such as CareFirst, Occupational Health, Trade Unions, Wellbeing Champions etc.
- To make every effort to deal with all grievances in a timely, fair and constructive manner and to attempt to resolve matters informally.
- To meet and listen to the employee's concerns in private within 2 working days.
- To carry out some initial investigation into the matter, ensuring confidentiality.
- Let the employee know what they plan to do to resolve the issue or explain why there will be no further action.
- Where informal routes have been completely exhausted, or where informal action is not appropriate, to review the Grievance Form 1 (CF1) within 2 working days of receipt. Complete managerial sections in as much detail as possible and forward to HR via Service Desk. Receipt will be acknowledged by an Employee Relations (ER) Consultant.
- To contact the ER team for support where there are questions or concerns about either informal or formal resolution.

5.3 HR Responsibilities:

- To take all grievances seriously and ensure they are dealt with in a timely manner.
- To support managers to deal with grievances informally at first and advise best practice throughout the grievance process.
- To arrange the required meetings and investigation if appropriate.
- To communicate with and support employees throughout the grievance process, including signposting to other support such as CareFirst.
- To ensure the grievance procedure is fairly and consistently followed by all parties.
- To monitor and review this policy and procedure to maintain efficacy.

6.0 Principles

6.1 Grievances will be treated seriously and resolved fairly and promptly.

6.2 The policy does not apply to the following situations:

- Issues outside the control of the Council in its role of employer
- Employees appealing against a dismissal or disciplinary action
- Redundancy
- Capability
- Retirement on ill-health grounds
- Rules governing the pension scheme
- Job evaluation gradings or appeals against salary gradings
- Collective disputes between Trade Unions and the Council
- Raising a concern as a 'protected disclosure' under the Whistleblowing / Speak Up Policy

- 6.3 Every effort must be made to deal with issues informally before formal procedures are initiated. The employee raising the grievance and reviewing manager should state why an informal resolution was not possible. If the reasons are not considered sufficient, no further formal action will be taken until all informal routes are exhausted.
- 6.4 Employees have the right to be accompanied by a trade union representative or colleague at all formal stages.
- 6.5 Confidentiality must be maintained by all parties. Appropriate records will be kept and treated confidentially in accordance with GDPR.
- 6.6 Where practical, every attempt will be made to maintain the status quo until the outcome of any grievance is settled.
- 6.7 This policy and procedure must not be used to pursue malicious or frivolous complaints, and to understand that if there is substantive evidence that this is the case it will be considered a disciplinary matter.

7.0 Collective Grievance

- 7.1 If a collective grievance arises through a group of employees within the same or different departments relating to the same issue, they must nominate a spokesperson to act on their behalf. The grievance then becomes an issue which will follow this policy and the attached procedure.
- 7.2 Any formal collective grievance must have the GF1 signed by all involved parties. This is to ensure that everyone is fairly represented and communicated with. It will also assist in any investigation that may occur.
- 7.3 If a collective dispute arises through a group of employees within the same or different departments relating to a corporate issue, the Collective Dispute Procedure should be used.

8.0 Informal Resolution

- 8.1 Guidance for dealing with issues informally can be found in appendix A.
- 8.2 The line manager should aim to informally resolve issues within 2 working days of them being reported.

9.0 Formal Resolution

- 9.1 The formal resolution process can be found in appendix B.
- 9.2 This includes the submission of the Grievance Form 1 (GF1), the Formal Grievance meeting, investigations, and the appeals process.
- 9.3 Normally, grievances should be raised within three months of the alleged decision or act relevant to the complaint. Exceptions should be discussed with an ER Consultant in the first instance.
- 9.4 If an employee or their chosen representative is unable to attend a meeting, they should tell the manager/chair as soon as possible letting them know the reasons why and provide dates and times they can be available. The manager will try to rearrange the meeting for a time that works for everyone. If the employee doesn't turn up for the meeting without telling the chair in advance, the meeting will be rearranged, and new details will be confirmed in writing. If the employee doesn't turn up for the rearranged meeting, we'll consider the matter closed and write to confirm this – unless there are exceptional circumstances, in which case we'll rearrange the meeting once more.

The reasons for non-attendance and for proceeding will be recorded. Any re-scheduled meetings will usually be within 10 working days of the original meeting.

- 9.5 If an employee does not engage with the informal resolution process or fails to agree to a meeting date/time within three working days, the grievance may be considered withdrawn.
- 9.6 Wherever possible, managers must use other Council procedures to deal with staff who may aggrieve them.
- 9.7 The outcome of a grievance will depend on whether it is upheld, partially upheld, or not upheld. In cases where a grievance is not upheld, this will be communicated to involved parties with full reasoning. Where partially or fully upheld, it may result in:
- Disciplinary action
 - Policy or procedural review
 - Amendments to working arrangements
 - Provision of training and/or guidance
 - Apology and acknowledgement of error
- 9.8 The outcome of the grievance will be communicated to all parties in writing at the conclusion of the process.

10.0 Appeals

- 10.1 When an employee is unhappy with the outcome of a grievance, they have the right to appeal under specific circumstances. Using Grievance Form 2 (GF2), they may outline reasons for appeal which must meet one or more of the following criteria:
- It is alleged that the grievance procedure has not been properly applied or an appropriate investigation conducted.

- New evidence has come to light which was not available at the time of decision, and which may make a difference to the original decision.
- It is alleged that the outcome is inconsistent with other applications of this policy and procedure, resulting in unfairness.
- It is believed that the outcome is disproportionate to the issue(s) raised.

10.2 Reasons should be explained in full in the GF2 with any supporting evidence. If the reasons for appeal do not fall under the criteria above, the appeal will not continue and the decision will be explained in writing. There will be no further opportunity of appeal.

11.0 Grievances During Disciplinary or Other Procedures

- 11.1 Where a grievance is raised during a disciplinary process, this will be dealt with as part of the disciplinary procedure. Please see the Disciplinary Procedure for more information.
- 11.2 Grievances that are raised during other procedures will be managed on a case-by-case basis depending on the circumstances. Please see advice from an ER Consultant for further guidance specific to your situation.

12.0 Anonymous Grievances

- 12.1 The Council is unable to accept anonymous grievances due to the limitations this imposes on the ability to carry out a successful investigation and provide a reasonable outcome.
- 12.2 However, in certain circumstances your issue may be covered under the Speak Up (formerly Whistleblowing) Policy. Please consult this policy for more information.

13.0 Leaving the Council

- 13.1 If the aggrieved employee leaves the Council's employ during the grievance process, or submits a grievance after they have left employment, the grievance process will cease. However, in exceptional circumstances the Council reserves the right to treat the matter as a complaint.
- 13.2 Where the decision is made to proceed, the Stage One meeting will be conducted with the Grievance Chair and ER Consultant. They will either reach a conclusion or adjourn to commission an investigation where required.
- 13.3 The outcome of the process will be shared with the ex-employee in writing, confirming the reason(s) for the decision and any actions taken. The appeals process does not apply in such cases.

14.0 Mediation

- 14.1 An independent third party or mediator can often help resolve grievance issues thereby avoiding the need for the formal process to be instigated. A mediator can be deployed at any stage of the procedure.

- 14.2 Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator.
- 14.3 Managers should contact the ER Team via the Service Desk to discuss whether mediation would be a worthwhile option and to discuss the most appropriate provider.

15.0 Legal Framework

- 15.1 Equality Act 2010
- 15.2 Employment Rights Bill
- 15.3 ACAS Statutory Code of Practice for Disciplinary and Grievance Procedures
- 15.4 ACAS Guidance on Bullying and Harassment at Work

16.0 Data Protection and Privacy

- 16.1 Medway Council will manage records efficiently and systematically, consistent with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA18) and the Lord Chancellor's Code of Practice on Records Management, supporting the business objectives of the Council and meeting legislative, regulatory, funding and ethical requirements.

17.0 Monitoring of Policy Objectives/Aims/Effectiveness

- 17.1 HR Services will monitor the outcome and impact of the Grievance Procedure on protected groups of staff as per the Council's equal opportunities obligations.
- 17.2 The Grievance procedure will be reviewed periodically in line with developments in good practice.

Version history

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Author: (if new Author advise Name and Job Title)
Responsible officer: (If there has been a change please update)

Appendix A: Informal Resolution Guidance

Appendix B: Formal Resolution Process

Appendix C: Grievance Form 1 (GF1)

Appendix D: Grievance Form 2 (GF2)