



Grievance Policy

1 Aim of this Policy and Procedure

This policy and procedure is to help settle problems, complaints, grievances or concerns an employee may have about a work-related issue fairly and quickly.

2 Scope

The standard Council procedure extends to all employees of the Council.

In cases where the employee has left employment, the statutory procedures in section 6 will apply.

These procedures may, by agreement of the parties be used where more than one individual has the same grievance, for settling a common grievance. Where the grievance has been raised collectively by a trade union or other appropriate representative the statutory collective dispute procedure applies.

3 Matters dealt with under this policy and procedure

Issues that may cause grievances and dealt with under this policy and procedure include but are not limited to:

- Terms and conditions of employment and how they are applied
- Job evaluations and grading appeals
- Health and safety
- Work relations
- Dignity at Work including Bullying, Harassment & Victimisation
- New working practices
- Working environment
- Organisational change
- Equal opportunities in employment
- Matters concerning recruitment and selection from internal applicants, including complaints of discrimination (Received within 3 months, complaints received after 3 months will not normally be heard).

Where separate procedures exist for dealing with grievances on particular issues, those procedures should be used instead of this procedure. Examples of issues dealt with under separate procedures / arrangements include:

- Collective disputes – Statutory Procedure
- Matters concerning recruitment and selection from external applicants, including complaints of discrimination
- Disciplinary and capability issues (the dealing of such complaints will be considered on a case by case basis and will be dependent upon the seriousness of the concerns)
- Selection for redundancy
- Negotiated pay deals
- Concerns raised under the 'whistleblowing' procedure

4 Principles

All complaints will be taken seriously and investigated sensitively and quickly.

It is the complainant's responsibility to report their complaint in a timely manner in order that the matter is dealt with quickly and to allow a proper investigation of the complaint. Discriminatory practices and the unfair treatment of others by individual employees and workers of the Council is a disciplinary offence and serious offences may lead to dismissal.

The intimidation or victimisation of the complainant prior to or following the complaint being made will not be tolerated and is a disciplinary offence.

Malicious, vexatious or unreasonable complaints will be treated as a disciplinary matter.



All incidents of a racist nature will be recorded and reported in accordance with national requirements and the Council's Procedure for Racial Incident Monitoring.

Employees have the right to be accompanied by a work colleague or trade union representative at all grievance meetings and hearings.

HR Service may be present at any of the formal stages of the procedure.

Written records will be kept detailing the nature of the grievance, the employer's response, any action taken and the reasons for this action. These will be kept confidential and retained in accordance with the Data Protection Act 1998. All parties involved must maintain confidentiality (except where required by law).

There may be circumstances where an employee believes it inappropriate to lodge a grievance with their line manager. In such circumstances, HR advice should be sought.

Timescales will be adhered to wherever possible. However, where there are good reasons, each party may request that the other agrees to an extension. If the matter has not been resolved informally within the prescribed / agreed time limits, the employee will be entitled to continue to the next stage.

The Council will monitor grievance data at least annually to ensure the policy and procedure is operating fairly, consistently and effectively but will operate to ensure confidentiality.

5 Standard Council Procedure

5.1 Informal Procedure

In the first instance any problem, complaint, grievance or concern should be Grievance Policy – V5.0 – March 2018

discussed between the employee and line manager (or nominated manager) with a view to resolving the grievance without resort to the formal procedure.

Where a complaint, grievance or concern relates to recruitment and selection, in the first instance the individual should request feedback from the chair of the recruitment panel.

The Line manager should discuss the complaint with the complainant, make any initial investigation into the complaint in order to give it proper consideration and, where appropriate and necessary, take steps to address the complaint. A note should be made of these discussions, citing the issues raised and actions taken. If it is not possible to resolve the complaint informally, the formal procedure will commence.

5.2 Formal Procedure

Step 1

The employee may raise a formal grievance by setting out the grievance in writing as fully as possible to their line manager (or nominated manager). A Notification of Grievance Form is available to assist employees in setting out their grievance.

If the concerns are relating to a potential breach of the Council's Dignity at Work Policy a Dignity at Work Complaint Form should be completed.

Where a complaint has been made against a person or persons, the individual(s) against whom the complaint has been made will be made aware of the complaint as soon as practicable and support offered where applicable.

Step 2

The line manager (or nominated manager) will consider the grievance and in normal



circumstances will invite the employee to attend a meeting to discuss the grievance. The meeting will be held at a convenient date to be held normally within 10 working days following receipt of the formal grievance. Where the employee fails to attend the meeting, a further meeting will be scheduled. This to be held within 5 working days of the date of the original meeting and confirmed in writing to the employee. Should the employee fail to attend the second meeting without good reason, the grievance will normally be considered closed.

Any relevant witnesses may be asked to attend the meeting.

Within 5 days of the meeting the manager will inform the employee in writing of their decision in response to the grievance, notifying the employee of their right of appeal against the decision if they are not satisfied with it.

In exceptional circumstances, with the agreement of the Director or HR and Director of HR, Legal and Governance (or their designate), the grievance may be heard by a manager outside of the employing department.

Step 3 – Appeal

If the employee wishes to appeal, they must do so in writing within 10 working days of receiving written notification of the manager's decision. The notice of appeal must be submitted to the Departmental Director (in which the employee works) and must state fully the ground(s) for appeal.

The Director or appropriate level of manager as determined by the director under normal circumstances will write to the employee, inviting the employee to attend an appeal meeting. The appeal

meeting will normally take place within 10 working days of receiving the appeal. In exceptional circumstances, with the agreement of the Director or HR and Director of HR, Legal and Governance (or their designate), the appeal may be heard by a manager outside of the employing department.

Any relevant witnesses may be asked to attend the meeting.

After the meeting the manager hearing the appeal will inform the employee of their decision - in writing and within 5 working days of the meeting. This decision is final and there are no further stages to the Council's grievance procedure.

6 Grievances Unresolved when Employment Ends

Wherever possible a grievance should be dealt with before an employee leaves the employment of the Council. However, where an employee leaves and the Council's standard grievance procedure has not been started or concluded then the statutory grievance procedures as detailed below will apply.

6.1 Statutory Grievance Procedure

6.1.1 Step 1 – Statement of Grievance

The employee/leaver must set down in writing the nature of the grievance and submit this written statement to the Director of the Department in which they worked, normally within three months of the ending of employment.

6.1.2 Step 2 – Meeting

The manager nominated by the Director to hear the grievance will invite the employee/leaver in writing to attend a meeting to discuss the grievance.

The employee/leaver will have the right to be accompanied by a work colleague or trade union representative at the meeting.



After the meeting the manager will inform the employee/leaver in writing of their decision in response to the grievance, notifying them of their right of appeal against the decision if they are not satisfied with it.

6.1.3 Step 3 - Appeal

If the employee/leaver wishes to appeal, they must do so in writing to the Director of the Department in which they worked stating the ground(s) for appeal.

The Director will write to the employee/leaver, inviting them to attend an appeal meeting with the next appropriate level of management (as determined by the Director).

The employee/leaver will have the right to be accompanied by a work colleague or trade union representative at the meeting. After the meeting the manager hearing the appeal will inform the employee/leaver in writing of their decision. This decision is final and there are no further stages to the grievance procedure.

6.2 Special Circumstances

Where it is felt that it is no longer reasonably practicable to comply with the procedures stated in Paragraphs 6.1 and 6.2 above, such matters should be referred to the Director of HR, Legal and Governance.

6.3 Concerns relating to other Council Procedures

If a manager has already discussed their concerns about an employee's attendance, performance, probationary period or conduct and the employee subsequently submits a complaint, the circumstances will be considered on a case by case basis by the department or nominated officer. Particular consideration will be given to the specific nature of the issue being raised before deciding how to

proceed. This may include the following options:

- whether or not to continue with a formal meeting and consider the grievance separately or;
- to suspend the formal meeting until the complaint is resolved or;
- if the issues are sufficiently related, to deal with both issues in the same process.

Approving Body & Date

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If you require further advice regarding the application of this policy and guidance please contact the HR Advice Line on 01254 585905 or email hradvice@blackburn.gov.uk