



# Employee Handbook

## Grievance Procedure

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### 1.0 Introduction

1.1 This procedure has been agreed between the Council and the recognised trade unions.

It provides an agreed procedure to enable employees to seek redress for any grievance that might arise in relation to their employment, subject to the exceptions in paragraph 2.2.

1.2 The Council will ensure that all employees are advised of the steps that are available to them and the name and designation of the person to whom they should raise a grievance. (Appendix 4 provides a flowchart of the steps within the grievance procedure).

### Informal Stage

1.3 It is essential that every effort is made to resolve the grievance at the earliest possible stage of the procedure and it is the responsibility of all parties to ensure that this occurs.

1.4 We expect employees and managers to be aware of our core values and behaviours.

1.5 Employees are encouraged to discuss any problems or concerns on an informal basis with their immediate line manager who will discuss the issues in confidence. Where appropriate they will make discreet investigations, to be completed within a calendar month of being notified of the concern(s), and will attempt to resolve the matter speedily and fairly. If the problem or concern relates to the employee's line manager then they should speak to their manager's manager. It may also be helpful for the employee to discuss their concerns informally with the HR Advice & Projects Team on 01743 252777 and/or their trade union representative.

1.6 Most issues are best resolved informally. However, if this is not possible, a more formal approach will be necessary by proceeding to the First Stage of the Shropshire Council Grievance Procedure.

## **2.0 Application**

2.1 The procedure covers all employees of the Council, other than those whose post forms part of the establishment of a school. There is a separate procedure for schools based staff and employees are referred to the schools Personnel Handbook.

2.2 This procedure should be used for grievances about the rights of employees under their conditions of service and any other matters relating to their employment.

The procedure does not apply in the case of:

- (i) Disciplinary and dismissal matters.
- (ii) Questions relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, occupational pension scheme and statutory sick pay).
- (iii) National agreements (other than local interpretation)
- (iv) Grading issues.
- (iv) Personal matters not directly related to employment or conditions of service.

2.3 Employees have a right to raise a grievance about their employment and to be represented by a Union representative or colleague.

## **3.0 Partnership/Joint Working**

3.1 Shropshire Council employees seconded to work for, or who are employed by Shropshire Council to work in partnership organisations, or who work in joint or multidisciplinary teams remain entitled to raise grievances using the Council's grievance

procedure. Wherever possible Grievances will be heard by Shropshire Council managers. Grievances may be investigated by managers employed by other organisations with whom the Council work in partnership. Somebody employed by another organisation e.g. A Town Council, but seconded or working within a Shropshire Council team would have access to their own employing organisation's grievance procedure.

#### **4.0 The procedure**

The following formal stages are available after the informal steps at 1.5 have been exhausted.

##### **First Stage**

4.1 If an employee or employees are aggrieved on any matter covered by this procedure they should initially give their line manager a written description of their grievance and the solution being sought, using the form supplied at Appendix 1. Their line manager will then write to invite the employee(s) to meet with them as soon as possible, no later than ten working days from receipt of the grievance, and inform them that they have the right to be accompanied by a trade union representative or colleague. If the employee's representative cannot attend on the proposed date, the employee can suggest another date as long as it is reasonable and not more than five working days after the original proposed date.

4.2 As soon as possible and, in any event, within ten working days of the meeting, the line manager will give the employee(s) a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the employee will be told what is happening and how long it may be before a final response can be expected. The final response should be sent to the employee(s) no later than three months from the initial receipt of the written description by the manager. In the event that it is unlikely that a final response will be available in that time, then the appropriate Director and employee will need to be notified of the reason for the delay.

The final written response at this first stage should include:-

- a summary of the grievance;
- appropriate details of the investigation;
- the decision on the matters raised;
- the reasons for the decision;
- if the grievance has been upheld, wholly or in part, what necessary steps will be taken;
- what further steps are available to the employee, within this procedure, if they remain aggrieved.

4.3 If the grievance is a complaint against the employee's line manager they should normally inform, in writing, their manager's manager and, as soon as possible, give a copy to the person against whom the complaint is being made, for information. The

same conditions as outlined at 3.1 will then apply. If the employee has reservations about giving a copy of their grievance to their line manager they should make those known to the senior officer receiving the grievance who will decide upon an appropriate course of action.

## **Second Stage**

### **5.0 Appeal**

5.1 If the employee/employees are dissatisfied with the response they receive, or do not receive a response within the timescales outlined in paragraph 3 above, then they may Appeal.

5.2 The appeal should be lodged within 10 working days of the written response or within 10 working days of the response being due where a response has not been received.

5.3 When an appeal has been lodged outside of the 10 working days, it will be for the employee to detail why the appeal has been submitted outside of the recognised timeframes. Where the appeal is against a finding / set of findings that has been investigated, then the authority reserves the right not to hear such appeals based on the employees explanation. Appeals submitted regarding timeframes for the Council to respond to a grievance will be heard with the intention that a response is provided ASAP and not to hear the details of the grievance.

5.4 The appeal should be submitted to the relevant Senior Officer (See Appendix 3). It should indicate a written statement of the grievance outlining the reasons why they feel their grievance has not been adequately dealt with.

5.5 The Senior Officer will send a copy of the letter of appeal to the manager who originally heard the grievance asking him or her to submit any observations they wish to make. They may also ask any other relevant parties to the grievance for their observations if appropriate.

5.6 The Senior Officer will write to the appellant within 10 working days of receipt of the letter of appeal inviting them to a meeting . They will inform the appellant of their right to be represented by either a trade union representative or a colleague. The meeting will be arranged as soon as practicable and no later than five weeks after the receipt of the appeal, giving each party at least 5 working days notice of the date, time and venue.

## **Third stage**

### **5.7 Appeal Hearing**

5.8 The Senior Officer will be supported by a Human Resources Officer, not connected with the earlier stage. If the Senior Officer has been involved in an earlier

stage of the grievance then another Senior Officer of an equal or higher level will hear the appeal.

5.9 The purpose of the Appeal Hearing will be to:

- establish the facts
- provide the appellant with the opportunity to make representations regarding the reasons for their appeal
- enable the respondent to the case to provide a response either in person or from any written statements submitted
- make a final decision on the case after considering the evidence given
- ensure all parties are notified in writing of the findings of the appeal within 10 working days of the meeting
- decide whether any further action is necessary as a result

See Appendix 2 for guidelines on the procedure to be followed for an appeal hearing and appendix 3 for a list of officers authorised to hear appeals.

## **6.0 Issues of Principle**

6.1 Normally the grievance will end at the Appeal stage except in the case of a grievance where the Joint Secretaries of the Provisional Council agree that the matter raises an important question of principle, which is of general application not restricted just to the individual concerned e.g. something which is in part 1 or 2 of the national agreement which is contested.

6.2 When an individual believes their grievance relates to a matter of principle they must write to the Corporate Head of Organisation Development within 10 working days of the written response to their appeal. The Corporate Head of Organisation Development will then liaise with the Joint Secretaries and advise the employee whether or not the matter will be passed to the Provisional Council. If not the Appeal Hearing under paragraph 4 will form the final level of appeal.

## **7.0 Post Employment Concerns**

7.1 There are specific and separate appeal procedures relating to dismissal and redundancy. The grievance procedure should not be used in these instances except where the issue relates to a dispute regarding the payment or non payment of redundancy pay.

7.2 There is no formal procedure to raise a grievance for employees who have left Shropshire Council. Where an employee has left the Council and has concerns, they should write to their former line manager setting out the reasons for them. The Manager should then contact the HR Advice & Projects Team who will review the concerns with them and decide how to take things forward. The same principal will apply for employees who have left the Council, and rejoin at a later date in the same or a different role, but wish to raise a grievance regarding their first period of employment.

## **8.0 Support Arrangements**

8.1 Grievance procedures by their nature are often stressful for the individuals involved. Employing Managers will make appropriate arrangements to provide confidential support, including the services provided by the Occupational Health Service, to any individuals who request assistance.

## **9.0 Monitoring**

9.1 The implementation of the grievance procedure will be monitored for equality purposes to ensure that our equality and diversity policy is being implemented and is working effectively. Any data gathered will be confidential and will not impact on the handling of the grievance.

## **10. Review**

The policy will be reviewed at regular intervals in conjunction with changes to legislation that may impact upon it. The policy will be reviewed no later than 2 years after its implementation and in consultation with the trade unions.

**EINA completed**

**Appendix 1 - Grievance Register Form**

**Name:** .....

**Job Title:** .....

**Directorate:** .....

**Date:** .....

Having discussed my grievance with the appropriate persons, as indicated in paragraph 1.5 of the procedure, I remain aggrieved and now wish to register a formal grievance – the details of which are outlined below (*please include as much information as possible and include extra sheets if necessary*)

Details of grievance:

My preferred outcome for resolving this grievance would be:

**Signed:** .....( Employee) **Date:** .....

**Please submit this form as per paragraph 4.1 of this procedure.**

## **Appendix 2 - Guidelines for the Procedure to Be Followed During a Grievance Appeal Hearing**

1. The Appeal will be heard by a Senior Officer detailed in Appendix 3, who will be supported by a Human Resources Officer.
2. Introduce those present and explain the format and purpose of the hearing, i.e. to:
  - Establish the facts.
  - Hear the case of the person raising the grievance.
  - Hear the respondent's case (either in person at the hearing or from any written statements submitted).
  - Make a final decision on the case after considering the evidence given (to be notified in writing to all parties concerned within 10 working days of the meeting).
  - Decide whether any further action is necessary as a result.
3. If the employee raising the grievance chooses not to be accompanied by a work colleague or trade union representative, ensure that this is recorded and that the employee(s) agreed to the hearing going ahead.
4. Allow the person raising the grievance to detail their case and produce any evidence.
5. Hear any witnesses\* for the person raising the grievance and allow both parties and the advisers to raise questions through the Chair.
6. If the person against whom the grievance has been raised is present, allow them to respond to the allegations and produce any evidence.
7. Hear any witnesses\* for the respondent and allow both parties and advisers to raise questions through the Chair.
8. Give both parties the opportunity to sum up.
9. Ask both parties to withdraw to allow the evidence to be considered.
10. Reach a decision and confirm this in writing to both parties within 10 working days.
11. A written record of the hearing must be kept, and a copy provided to the complainant and respondent.

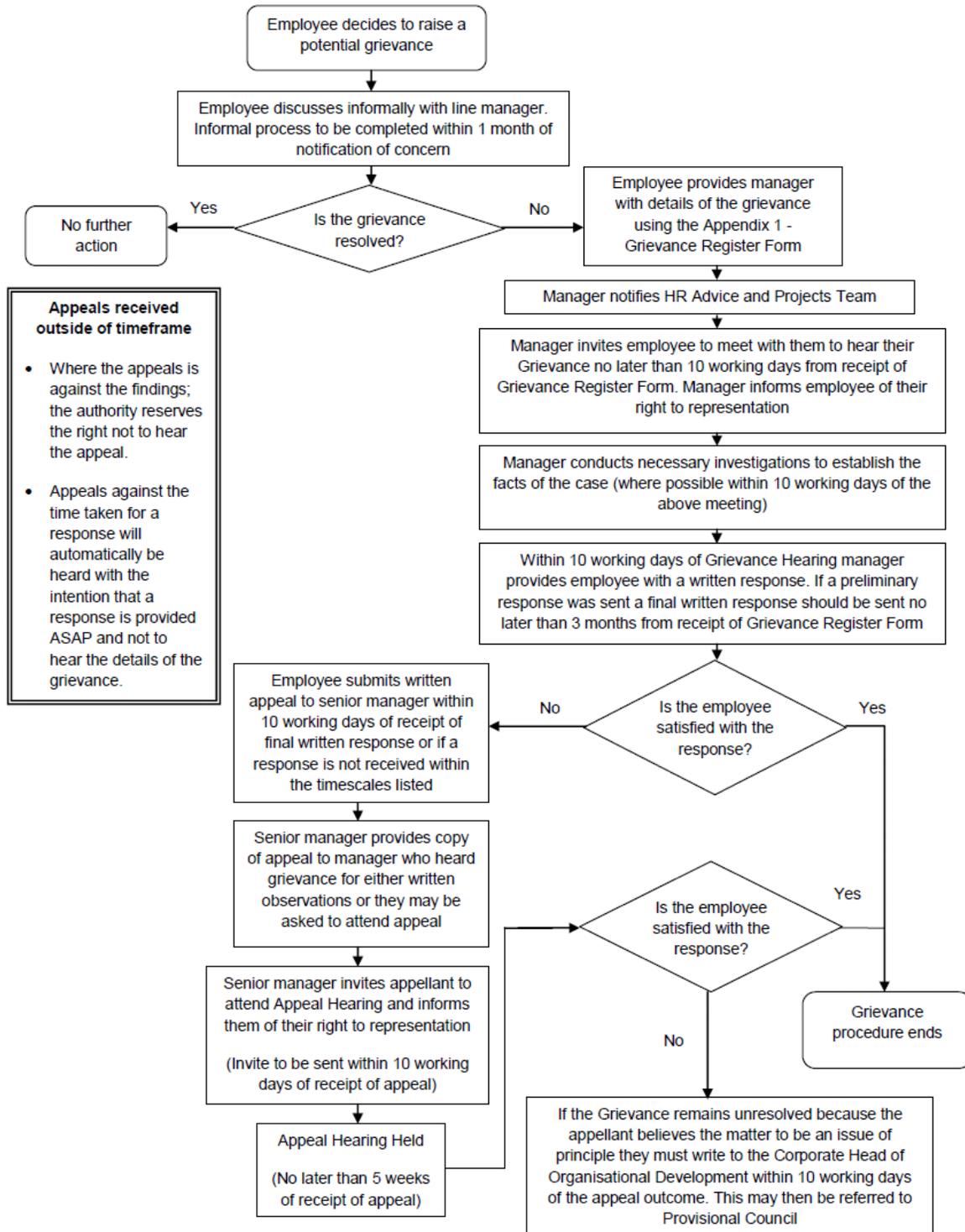
**\* Note: A witness should only be present for the part of the proceedings in which he/she is giving evidence or being questioned.**

### Appendix 3 - List of Posts delegated to hear appeals

<b>DEPARTMENT</b>	<b>DESIGNATION</b>
<b>HEAD OF PAID SERVICE</b>	Director of Operations
<b>ADULT SERVICES</b>	Director of Adult Services
	Service Manager – Long Term Support
	Service Manager – Developmental Services
	Service Manager – Provider Services
	Service Manager – Short Term Support
<b>CHILDRENS SERVICES</b>	Director of Children's Services
<b>COMMISSIONING</b>	Director of Commissioning
	Area Director (North)
	Area Director (South)
	Area Director (Central)
	Group Manager – Customer Care & Involvement
	Group Manager Business Growth & Prosperity
	Group Manager – Facilities Management
	Group Manager – Care & Well-being
	Group Manager – Safeguarding
	Group Manager – Public Protection & Enforcement
<b>PEOPLE</b>	Corporate Director - People
<b>PUBLIC HEALTH</b>	Director of Public Health
<b>RESOURCES AND SUPPORT</b>	Director of Resources and Support
	Corporate Head of Legal & Democratic Services (Monitoring Officer)
	Financial Advice Manager
	Treasury & Exchequer Manager
	Service Manager - Audit Services
	Acting Corporate Head of Organisation

	Development
<b>SHARED SERVICES</b>	Shared Services Manager
<b>SHIRE SERVICES</b>	Shire Services Manager
	Business Operations Manager – Shire Services
<b>STRATEGIC PLANNING</b>	Corporate Head of Strategic Planning

## Appendix 4 - Flow chart of Grievance Process



Please note: On completion all case records should be passed to the supporting HR Officer