

Grievance Procedure

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Problem Resolution Procedure

Grievance Procedure

1.0 Introduction

The Procedure details the process to be followed to deal with concerns, problems or complaints raised by employees at Rossendale Borough Council.

2.0 Scope

The Procedure applies to all Permanent, Temporary or Casual employees who are employed by Rossendale Borough Council with the exception of the Chief Executive and Chief Officers.

3.0 Exclusions

The Procedure can be used to resolve any problem with the exception of the following:

- Disciplinary matters
- Probation
- Job evaluation and grading matters
- Selection for redundancy
- Sickness absence management matters
- Capability
- National Conditions of Service and Local Agreements
- Council policies
- Recruitment and Selection
- Redundancy
- Matters relating to payroll such as income tax, national insurance and pension
- Any other matter where there is already a procedure in place for resolving problems such as the bullying and harassment procedure.

The Procedure cannot be used to delay or used as an obstructive process to impede the process of change and decision making. However, where a grievance is lodged in relation to a matter, consideration must be given to postponing that decision pending the outcome of the grievance, particularly in instances of contractual change.

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4.0 Definition

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 and with at least possible formality.

5.0 Informal Stage

If the employee has a grievance or complaint relating to their work, working conditions, working hours, or if they are concerned about their health and safety or a breach of their statutory employment rights or any other issue affecting their employment, they should first talk the matter over on an informal basis with their immediate supervisor. He/she should discuss the employee's concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly.

6.0 Stage 1

- 6.1 If the employee remains concerned following the informal meeting with their supervisor, the employee must formally write to their supervisor setting out their grievance and the basis for it and ask for a meeting.
- 6.2 The employee has the legal right to be accompanied at that meeting, and at any further such meetings, by a colleague, or a trade union representative of their choice. The meeting may be postponed, at their request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.
- 6.3 Employees and their representatives should make every effort to attend the meeting.
- 6.4 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.
- 6.5 The supervisor will provide the outcome to the grievance within 10 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.

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6.6 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to the next tier of line management (the supervisor's line manager). The appeal should be submitted to the supervisor within 5 working days of receipt of the written outcome.

7.0 Stage 2

7.1 The next tier of line management (the supervisor's line manager) will discuss the issue with the employee at a meeting convened for that purpose. 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.

7.2 The line manager will also meet with the supervisor to obtain information and the outcomes from the previous meetings held under this procedure.

7.3 The line manager will consider the facts, make his/her decision and communicate to the employee and the supervisor their findings in writing within the next ten working days.

7.4 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.

7.5 Should the employee remain dissatisfied with the outcome, they will have the right to pursue the matter further by submitting an appeal to a Director. The appeal should be submitted to the Head of People and Policy within 5 working days of receipt of the written outcome.

8.0 Appeal

8.1 The Director or their nominated representative will discuss the issue with the employee at a meeting convened for that purpose. The meeting may be postponed, at the employee's request, and for up to five working days, if their chosen companion is not available to attend on the date set for the meeting in question.

8.2 The Director will also meet with the supervisor and line manager to obtain information and the outcomes from the previous meetings held under this procedure.

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- 8.3 The Director will subsequently consider the facts, make his/her decision and communicate to the employee and the line manager and supervisor their findings in writing within the next ten working days.
- 8.4 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.
- 8.5 The Director's decision will be final.

9.0 The Role of the Colleague/Trade Union representative in Formal

Meetings

To exercise the right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for employees to insist on being accompanied by someone whose presence would prejudice the meeting.

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.

10.0 Mediation

A mediator can sometimes help resolve grievance issues although a mediator may not always be appropriate where the issue is serious. The mediator may be someone who works for the Council or who is external to the Council.

Mediation is a voluntary process where an independent and impartial third party helps two or more people in a dispute to reach agreement. Mediation is only useful where both parties are willing to undertake the mediation.

Mediation can be used at any stage in the dispute to try and reach agreement.

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11.0 Collective Grievances

Collective grievances (i.e. more than one employee has concerns) may be dealt with under this procedure. A collective grievance can be brought by the trade union or an 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 by the relevant Director. The Director's decision is final.

12.0 Supporting Notes

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 Any employee who raises a vexatious grievance may be subject to disciplinary action.

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Grievance Form

Name: _____

Department: _____

Line Manager: _____

Date of informal meeting: _____

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

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

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

Signed _____ Date _____

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

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