

# **UPDATED GRIEVANCE PROCEDURE**

In implementing this procedure, Officers of Eastbourne Borough Council will ensure that our approach promotes and protects equality of opportunity in service delivery, at all times, in line with corporate policies and training.

## **INTRODUCTION**

1. The grievance procedure is to resolve outstanding concerns for employees and, consequently, for their managers. These grievances will either not have been resolved satisfactorily through informal channels or be of sufficient severity to warrant immediate elevation to the grievance procedure.
2. This procedure applies to employees of the Borough Council.
3. All parties involved should use the procedure correctly, fairly and speedily in order to promote and maintain good working relationships within the organisation.
4. Managers using this procedure should always endeavour to settle the grievances as near as possible to the point of origin.
5. The following should not be raised under the grievance procedure:-
  - a. Disciplinary matters
  - b. Appeals against salaries or grading.
  - c. Appeals against selection decisions.

There are separate procedures for dealing with such matters.
6. The Grievance Procedure for seasonal, temporary and casual workers should be used for that group of staff, unless the temporary contract has endured for more than 52 weeks.
7. The parties to a grievance may, by mutual agreement, modify the time limits referred to below.
8. If a grievance is not dealt with within the specified time limits or within any extended time limits agreed, the employee will be entitled to move to the next stage of the procedure.
9. The designation of the officer to whom a grievance should be first addressed should be made clear to the employee in their offer letter of employment.
10. Stages 1, 2 and 3 of the grievance procedure are set out overleaf, together with an appendix describing the procedure to be followed at a meeting of a panel to hear a grievance.

**An employee who is unhappy about their treatment in Eastbourne Borough Council should seek to resolve any issues by raising concerns directly with their manager or supervisor. Where informal resolution of the issues does not occur to the satisfaction of the individual, they may instigate the Grievance Procedure.**

## **STAGE ONE**

1. Employees raising a grievance relating to their employment with the Borough Council may choose to be represented by a Trade Union representative or nominated fellow employee. They should write to their immediate manager or supervisor making the following clear: their name and job title with the Council; the nature of the grievance – giving examples as appropriate; the informal steps taken hitherto to resolve it.
1. A copy of this letter must be forwarded separately to the Employee Relations Adviser in Personnel for central records and for Equalities' monitoring purposes.
1. The immediate manager or supervisor should consult with the Head of Personnel or Employee Relations Adviser, as appropriate, prior to acting. S/he may wish to meet with the individual to discuss the grievance and, in such an instance, the employee will have the right to be accompanied by their Trade Union representative or nominated fellow employee.
1. The immediate manager or supervisor should respond in writing with a decision as soon as possible and in any event within five working days of the grievance being reported to him or her. A copy of the response must be forwarded to the Employee Relations Adviser for the reasons given above.

**An employee who is still aggrieved after completion of the procedure in Stage 1 should move to Stage 2.**

## **STAGE TWO**

The employee or his or her representative should, within ten working days of receiving the Manager or Supervisor's decision, write to the Chief Officer of the Department, describing the Grievance and the nature of continued dissatisfaction.

A copy of all correspondence must be forwarded to the Employee Relations Adviser for the reasons given in Stage One.

The Chief Officer, or other senior officer authorised by him or her for this purpose, will, within ten working days of receipt of the Stage 2 written grievance, hold a meeting with the interested parties.

After hearing the grievance, the Chief Officer, or senior officer authorised by him or her for this purpose, will normally give his or her decision verbally to the employee and the Trade Union representative at the meeting. The Stage 2 decision must be confirmed in writing within five working days from the date of the meeting.

**An employee who is still aggrieved in respect of the original grievance after completion of the procedure at Stage 2 should, as soon as possible, notify in writing the Chief Officer. The Chief Officer will immediately advise the Head of Personnel so that he or she may deal with the grievance under Stage 3 (Appeal) below.**

If, within ten working days of the date of giving his or her written decision under Stage 2, the Chief Officer is not notified by the employee or representative that s/he remains aggrieved, the grievance shall be deemed to have been settled to the satisfaction of the employee.

### **STAGE THREE (Appeal)**

The Head of Personnel should arrange for the grievance to be submitted to a meeting of the Appeals Panel which will be chosen from Members of the Council by the Leader of the Council. The Panel will be composed of not more than three or four Members, at least one of whom should come from the minority group.

The parties appearing before the Panel shall be the employee, accompanied by his or her Trade Union representative, and the relevant Chief Officer or other senior officer authorised for this purpose. The Panel will be advised by the Head of Personnel.

The meeting of the Appeals Panel should be held within ten working days of the date on which the Chief Officer notifies the Head of Personnel of the grievance.

The decision of the Appeals Panel will normally be notified to the employee and his or her Trade Union representative at the conclusion of the meeting and should be confirmed in writing within five working days of the date of that meeting.

The procedure to be followed at the meeting of the Appeals Panel is set out in the appendix.

Stage 3 of this procedure is the final level of appeal.

## **APPENDIX TO GRIEVANCE PROCEDURE**

### **APPEALS' PANEL – PROCEDURE**

Both parties must be advised that any documentation which either party wishes to place before the Panel is to be with the Head of Personnel by a certain date.

The Panel will elect its Chairman, before the parties appear before it. When both parties are present, the following procedure will be followed:-

#### **Part One**

- 1 The Appellant will state his or her grievance to the Panel.
- 2 Any Witness in support of the Appellant may then be presented and invited to speak, or questioned by the Appellant.
- 3 This Witness may then be questioned by the Respondent.

4 This Witness may then be questioned by the Panel.

5 The Appellant may then summarise this Witness's contribution to making his or her grievance.

6 Further Witnesses in support of the Appellant's position may then be heard, following the same procedure.

## **Part Two**

7 The Respondent will then make his or her response.

8 Any Witness in support of the Respondent may then be presented and invited to speak, or questioned by the Respondent.

9 This Witness may then be questioned by the Appellant.

10 This Witness may then be questioned by the Panel.

11 The Respondent may then summarise this Witness's contribution to making his or her response.

12 Further Witnesses in support of the Respondent's position may then be heard, following the same procedure.

## **Part Three**

13 The Respondent will then summarise and conclude his or her case.

14 The Appellant will then summarise and conclude his or her case.

15 Both parties will then withdraw.

16 The Panel will then consider the matter and reach a conclusion.

17 Both parties will then be invited to return, and the Chairman of the Panel will announce the decision.

In the above procedure, the Appellant's part may be taken by his/her Union representative or other person representing him/her.

Any Witnesses must only be present when they are speaking or being questioned.