

Agenda Item No:

Report No:

Report Title: Grievance Procedure

Report To: Employment Committee

Date: 15 February 2010

Ward(s) Affected: All

Report By: Head of Business Services

Contact Officer(s): John Clark, Head of Business Services

Purpose of Report:

To update the Council's grievance procedure.

Officers Recommendation(s):

- 1 That the committee states whether it wishes councillors to be involved at grievance appeal meetings
- 2 That subject to the decision made above, the procedure at Appendix A is adopted.

Information

- 1 Recent changes to the statutory ACAS code of practice mean that the Council's grievance procedure needs to be updated and a revised version is attached at Appendix A. The main changes to the code of practice were the removal of some of the more procedural steps that had to be followed if any action was not to be automatically unfair. However there are no fundamental changes to the procedure which still needs grievances to be heard, investigated and a decision made.
- 2 As for the disciplinary procedure which was updated at your last meeting I have taken the opportunity to remove some of our procedural steps e.g. the conduct of appeals, from the procedure itself to simplify and shorten it. Instead these will be set out in separate documents and stored on the Council's intranet for use when necessary.
- 3 We get very few formal grievances each year, but our grievance procedures have always included the provision that the appeal was made to a panel of councillors and I have left that unchanged in the attached procedure. However, I think there are good reasons why this might not be appropriate any longer and these are :
 - Often the grievances are about detailed working arrangements that need the understanding of the working environment and the effects of any changes. That can require considerable explanation to a panel before they are able to understand the issues.

- Grievances can be time critical i.e. the decision the employee has concerns about has to be implemented shortly
 - The new procedure only has two formal stages and unlike disciplinary cases where senior managers make the decisions, the proper place for the first meeting is at the lowest level of management involved in the grievance. Moving from that directly to a panel of councillors by-passes the senior management of the department entirely.
- 4 Therefore I recommend the committee considers allowing the appeal meeting to be heard by either a more senior manager from the same department, or a senior manager from another department, depending on their previous level of involvement.

Background Papers

ACAS Code of Practice on Disciplinary and Grievance Procedures

ACAS Guide to Discipline and grievances at work