

Staff Grievance Procedure – Guidance Notes

1. Introduction

- 1.1 *The Grievance Procedure is approved by Cabinet after consultation with the recognised trade unions.*
- 1.2 In any employment relationship there will be inevitable imbalances in aims and viewpoints, which may give rise to conflict. All staff should understand the need for compromise when working with others, and should seek to resolve areas of conflict to help maintain a stable working environment for all.

2. Principles

- 2.1 It is essential that all staff support the aim of resolving grievances in a fair and prompt manner. Wherever possible grievances should be resolved through informal discussion between the member of staff and his/her line manager to ensure swift resolution and peace of mind for the aggrieved person.
- 2.2 If the grievance relates to another member of staff, the aggrieved individual should try to resolve this through discussion with the other member of staff before moving to the formal procedure.
- 2.3 Before taking any action under the grievance procedure, managers must consult their HR Officer.
- 2.4 Where a staff member requires reasonable adjustments to attend and participate in a grievance meeting or grievance appeal meeting such as a disability or language barrier the member of staff may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible for the grievance meetings at each stage will ensure all reasonable adjustments and special arrangements are made. Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled wherever possible. This right also extends to the grievance appeal meeting.
- 2.5 Managers are expected to use their discretion to deal with a grievance in the most constructive way, within the bounds of the procedure. In each case, the approach adopted will depend on the issues involved.
- 2.6 Confidentiality must be upheld by all parties at all times.
- 2.7 In reaching a decision on a grievance matter, a manager must consider the possible implications on other members of staff, and how these will impact on the effectiveness of the department, directorate and Lewes District Council.
- 2.8 This procedure does not affect individuals' rights to pursue legal remedies outside of the workplace.

3. Representation

- 3.1 At all stages of the Grievance Procedure, the aggrieved member of staff has the right to be accompanied or represented by one person of his/her choice. This does not necessarily have to be the same person at each stage. The companion may be a colleague employed by Lewes District Council, a trade union representative or an official employed by a trade union.
- 3.2 The member of staff is requested to give notice of the name and standing of any such person to the Chair of the meeting or other specified individual, at least three working days before the meeting is due to take place.

4. Time Limits

- 4.1 Time limits are set out in the procedure to reinforce the need to deal with grievances as quickly as possible. They must be followed unless varied by mutual consent.
- 4.2 In the event of no management response being made within the specified time limits (or those mutually agreed under 4.1 above), the member of staff may proceed to the next stage of the procedure.

5. Conduct of Meetings

- 5.1 Meetings will be chaired by the appropriate manager dealing with each stage of the grievance. The Chair must ensure that information is in an accessible format, that meeting venues are accessible to all parties and that any reasonable adjustments are made to enable fair and complete participation by all parties.
- 5.2 The Chair is responsible for ensuring that the issues are explored thoroughly and with dignity in order to achieve a fair outcome.
- 5.3 The Chair will ensure that the meeting is kept to the minimum number of individuals. In most cases, this will be
- The manager responsible for chairing the meeting
 - The aggrieved person
 - His/her representative or colleague
 - A member of Human Resources to offer advice and keep a formal record of the meeting.
- 5.4 There may, however, be circumstances in which it is appropriate to involve additional individuals. For example,
- If the aggrieved member of staff is represented by a full-time trade union official, it may be helpful for the local trade union representative to be present to advise the full-time official. In such circumstances, the local representative will not be entitled to participate in the discussion;
 - Where the grievance relates to another member of staff, this individual will have the same opportunity regarding questioning and the hearing of all evidence, as the aggrieved member of staff.

5.5 At all meetings, the member of staff will have the opportunity to explain the nature of the grievance, and the other party will respond to the grievance. The member of staff and/or representative will be entitled to:-

- Hear all evidence presented;
- State his/her case and call witnesses;
- Question witnesses

5.6 Any documentation in support of the grievance must be submitted to the Chair along with the GRP form. The Chair will arrange for the other parties to the grievance to receive a copy of this documentation. The Chair has the discretion to postpone a meeting in order to give full consideration to any new documentation.

5.7 The meeting will normally be adjourned to allow the Chair time to consider all the circumstances relating to the matter, and, wherever possible, to give a verbal decision to the member of staff at the end of the meeting. The decision will be confirmed in writing by the Chair within ten working days of the meeting. This notification must include:

- A full explanation of the reasons for the decision;
- Details of the next stage of the procedure;
- The timescales involved.

The Chair must keep all individuals involved in the grievance appropriately informed.

5.8 All meetings held under the grievance procedure will be minuted by a member of Human Resources. The minutes should be agreed and signed by the Chair and the aggrieved member of staff.

5.9 Where agreement to the minutes cannot be reached, the aggrieved member of staff has the right to provide a statement of dissent and/or explanation, which will be held with the minutes on the individual's personal file.

6. Exclusions

6.1 The grievance procedure cannot be used to resolve the following:

- A disciplinary matter which should be dealt with under the disciplinary procedure;
- Matters relating to income tax, national insurance and other statutory deductions from pay which should be referred to the Director of Finance.
- appeals against gradings, which should be dealt with under the job evaluation procedure.

7. Special Cases

7.1 If the grievance relates to a member of staff's manager or head of department and it is considered inappropriate to discuss the issue further with this individual, the member of staff should refer the issue to the next appropriate level of management.

7.2 If a member of Human Resources has a grievance, special consideration will be given as to who should be involved in the proceedings.

8. Vexatious claims

- 8.1. Those who raise vexatious claims may be subject to the Councils Disciplinary Procedure.

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