

WIRRAL COUNCIL
GRIEVANCE POLICY AND PROCEDURE

DRAFT

November 2012

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1. Introduction	

- 1.1 The Council aims to ensure there is a fair and systematic approach to resolving any complaint made by an employee related to their employment.
- 1.2 The grievance policy and procedure provides a framework and a structured mechanism for employee complaints to be dealt with.
- 1.3 Its aim is to resolve grievances as quickly and as close to the point of origin as possible, in an equitable way, which minimises the impact on service delivery and maintains professional working relationships between colleagues. Failure to deal with grievances in a timely manner can have serious impacts upon absence and productivity levels, as well as relationships within teams.

2. Scope

- 2.1 The policy and procedure set out in this document applies to all Wirral Council employees (excluding schools). It is not intended to be incorporated into an employee's contract of employment since its contents will be kept under continuous review.

3. Roles and Responsibilities

Managers

- 3.1 Both managers and employees have a responsibility within this procedure.
- 3.2 Managers will:
 - a. Wherever possible try to resolve all issues informally before they become formal grievances. This may include the use of mediation, where appropriate. For further information on mediation, please see section 9.7.
 - b. Ensure the grievance procedures are followed correctly, seeking advice from Human Resources where necessary.
 - c. Ensure that it is appropriate for the issues contained with the grievance to be dealt with under the grievance procedure, and identify any issues that should be dealt with under other procedures, for example, the Council's Whistleblowing procedures, or Disciplinary procedures.
 - d. Treat all grievances seriously, dealing with each one fairly, consistently and sensitively and be accountable for the decision that they reach.
 - e. Make time to deal with the grievance as a priority.
 - f. Address any grievances promptly and within the given timelines.
 - g. Where appropriate and depending on the nature of the issues, consider temporary alternative working arrangements for parties involved in the grievance whilst resolution is sought.
 - h. Ensure that appropriate support is provided to any employees that may be the subject of the grievance, seeking advice from HR where appropriate.

Employees

3.3 Employees will:

- a. Only raise grievances in good faith and work with the manager to genuinely seek resolution.
- b. Wherever possible try to resolve the grievance informally. This may include the use of mediation.
- c. Co-operate with any investigation.

Role of Human Resources

3.4 Human Resources will:

- a. Provide advice to managers and employees through the grievance process, and will seek to ensure the Council's procedures are followed, and ensure the process is fair and transparent.
- b. Attend grievance hearings at every formal stage of the process.
- c. Liaise with managers to ensure that employees who have submitted a grievance, and who may be the subject of the grievance have access to appropriate support during the process.
- d. Provide advice to employees who have raised a grievance at any stage of the process as required. This will be on a confidential basis.

3.5 Where an investigation is undertaken, a member of the Human Resources Team will be assigned to support the Investigating Officer to provide advice and guidance as appropriate and to assist in ensuring that the investigation is carried out in a timely manner.

4. Principles

4.1 The policy and procedure contained within this document is based on the following principles:

- a. Grievances will be resolved quickly and consistently across the Council in order to maintain good working relationships.
- b. Where the circumstances are appropriate, and/or both parties agree, grievances should be dealt with through the informal process, including mediation, where appropriate.
- c. Any employee raising a grievance will be given the opportunity to explain their issues, management will investigate their issues and respond. The outcome is confirmed in writing.
- d. The employee does not suffer any detriment in the form of victimisation for asserting their statutory right to raise a grievance.
- e. Any witnesses are protected against detriment and dismissal as a result of acting as a witness during a grievance hearing.

- f. The subject of the grievance is fully supported and kept informed of progress as appropriate.
- g. Any representative or work colleague is protected against detriment and dismissal in respect of his/her action in accompanying the employee and for addressing or seeking to address the hearing.
- h. Not to discriminate against any individual in the application of this policy and procedure on prohibited grounds e.g. on grounds of sex, race, disability, age, sexual orientation, trans-gender, part-time worker status or religious belief, marital status or pregnancy, or trade union activities.
- l Confidentiality will be observed at all times by those involved in the grievance process and information shared on a need to know basis only.

5. What Could Constitute a Grievance?

5.1 A grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues that they wish to raise with management.

A grievance could be regarding any of the following:

- Terms and conditions of employment (excluding salary or grade)
- Working conditions
- Working hours
- Unfair treatment
- Health and safety
- Bullying and Harassment/working relationships with colleagues or others
- Equal opportunities
- A breach of statutory employment rights

N.B. This list is not an exhaustive list nor is it an attempt to give a definition of a grievance.

6. Exclusions

6.1 This policy does not apply to the following categories:

- a. Employees appealing against a dismissal/disciplinary decision. This is dealt with through the disciplinary appeal procedure (*insert link to intranet*)
- b. Employees appealing against a job evaluation/grading. This is dealt with through the job evaluation appeal procedure (*insert link to intranet*)
- c. Whistleblowing Concerns. These are dealt with under the Council's Whistleblowing Policy (*insert link to intranet*).

Whilst it is not possible to provide a complete list of all the issues which might be properly raised under the Whistleblowing Policy, any concern about improper, illegal or negligent practice(s) in the workplace, including the conduct of Officers, Members of the Council or others acting on behalf of the Council, which may adversely affect the public interest, can be raised.

To assist employees to decide which policy should be used, the following should be considered:

- If the employee is aware of any improper, illegal or unsafe act or omission which is not in the public interest, they should do so under the Whistleblowing Policy; or
- If the employee has a complaint about something that has happened to them during the course of their employment that they would like a particular response or outcome to address, this should be raised under the grievance procedure.

Where employees are in any doubt as to whether the concern(s) raised falls within the Whistleblowing Policy or the Council's Grievance Policy, they should seek advice from the Council's Human Resources Team or their Trade Union Representative if applicable.

- 6.2 It is not intended that this policy be used for an employee to raise a grievance about Council policy. However, it may be used to make a complaint about the way a Council policy and/or procedure may have been applied in a specific case.
- 6.3 The Grievance Policy should not be used by an employee to make a complaint about a manager that is seeking to discuss or address issues of attendance or performance, where this is the sole reason for the complaint. It is a fundamental part of a manager's role to ensure that the attendance or performance of employees within their teams or departments is at the required standard. However, managers must be able to demonstrate there is a clear and legitimate justification for addressing attendance and performance issues and ensure that a fair and reasonable approach is taken when doing so and employees may use this Grievance Policy if they believe that this has not been done.

7. Using the Grievance Policy

- 7.1 All genuine grievances raised will be treated seriously. However, employees should be aware that they should not use the policy to raise concerns without just cause, and with the intent of causing distress to others.
- 7.2 Inappropriate use of the policy, or malicious complaints may result in the employee who has raised the grievance being subject to disciplinary action.
- 7.3 An expectation of this policy is that before individuals invoke the formal stages of this procedure, they should attempt to resolve their complaint informally, by discussing their complaint with their line manager, or another suitable person. Guidance may be sought from Human Resources.
- 7.4 If the grievance concerns an employee's line manager, the employee should raise their concern with the next level of management.
- 7.5 Where the grievance concerns the Head of Service or above, the employee should seek advice from Human Resources as to how the grievance can be dealt with.
- 7.6 In such circumstances another appropriate person will be appointed to hear the grievance under the formal stages of this procedure. This will seek to ensure a 3-stage formal process including Elected Members appeal at final stage.

8 Collective Grievances

- 8.1 A collective grievance is where a group of employees e.g. within the same workgroup or department, wish to raise an issue that affects them as a group. Issues of this nature may be dealt with through this grievance policy. The group of employees may nominate a spokesperson and/or trade union representative to

represent their case. In such cases, one hearing may be held to consider the issue(s).

8.2 Any employee who is dissatisfied by the outcome has the right to take the matter to the next stage, which again may be held jointly unless there are distinct differences which justify separate hearings.

9 Resolving a Grievance informally

9.1 The employee may choose and is strongly encouraged to discuss the issue with their line manager (or the next level of management where the grievance concerns the line manager), to see if the matter can be resolved informally and without invoking the formal grievance procedure.

9.2 Wherever possible, employees should try to take the informal route as this approach benefits both parties, often resulting in a quicker and more satisfactory resolution.

9.3 The immediate line manager can resolve many of the issues at work informally as part of their day-to-day management responsibilities. It may be beneficial for both parties to explore the informal route to encourage them to communicate and agree a way of working together for the future.

9.4 Managers should be aware of, and be prepared to explore, alternative methods of resolving any complaints that arise by discussing the issue and examining a range of possible solutions with the employee.

9.5 If the grievance relates to relationships at work, with colleagues or managers, managers and employees should consider the guidance set out in the Council's Dignity at Work Policy (bullying and harassment) as to how issues may be resolved informally. This may include the use of mediation, where appropriate.

9.6 An informal grievance should normally be raised in a timely manner e.g. soon after the act or decision being complained of, or the last act or decision if the complaint relates to a series of linked events.

9.7 Mediation is an option that can be available to the employee, in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, professionally trained, third party helps to facilitate discussion and seeks to support resolution between parties, in order that working relationships can be maintained. Mediation requires the agreement of both parties. Further information about mediation should be sought from Human Resources.

9.8 Even at the informal stage, managers should seek to set a timetable with the employee(s) involved to seek resolution to the issues.

9.9 If there is an outcome at the informal stage, managers should make a note of the agreement reached and provide a copy of this to the employee, and where appropriate, other parties involved, with the offer of further discussion if the employee is still not satisfied.

10. Formal Stages of the Grievance Procedure

10.1 Registering a Formal Grievance

10.1.1 Employees should normally raise a formal grievance in writing to their line manager (or appropriate other, as detailed in 7.4), using the Formal Grievance Form (M35).

10.1.2 A grievance should be raised as soon as possible after an event or incident and, unless in exceptional circumstances, no later than 3 months after the incident or event.

10.1.3 The written grievance should include the following information:

- a. The nature of the grievance – what is alleged to have occurred, by whom and when.
- b. What the outcome of the informal approach was.
- c. The reason for dissatisfaction with the informal solution (if appropriate).
- d. The remedy or resolution the employee is seeking.
- e. Any witnesses to the matters complained about.

10.1.4 The grievance should refer to specific issues rather than generalisations. An employee may wish to seek assistance from a work colleague or Trade Union Representative when writing the grievance.

10.2 Investigation

10.2.1 Upon receipt of the grievance, managers should assess whether they can try to resolve the grievance themselves, with HR support.

10.2.2 Managers should assess whether they are able to gather all the relevant facts of the matter and speak to all the parties involved. If this is the case, the manager will usually be in a position to make an informed decision and give an outcome in relation to the grievance. The manager should be able to clearly demonstrate how and why the decision has been reached.

10.2.3 In exceptional cases it may be necessary to appoint an Investigating Officer. This will depend on the nature and complexity of the grievance and HR should be consulted. The Investigating Officer will be appropriately trained and will be responsible for investigating the complaint(s) made, and establishing the facts including the events surrounding or leading up to the complaint.

10.2.4 The role of the Investigating Officer is to establish the facts of the grievance. This will be done by reviewing documentation, meeting with the complainant, the respondent, and any potential witnesses to find out if there is evidence to support or rule out the allegations etc. These meetings also allow the respondent to respond to the allegations made against them.

10.2.5 It is important that the Investigating Officer is provided with the resources and reasonable time to allow for an appropriate investigation within the timescales allowed within this policy.

10.2.6 The Investigating Officer, (or manager dealing with the grievance if they are dealing with the matter) should compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes and statements. A template Investigating Officer report is available on the Council's intranet.

10.2.7 An Investigating Officer may be appointed at any stage of the formal grievance procedure where it is deemed necessary or appropriate in the circumstances, and in consultation with HR.

10.2.8 The Investigating Officer should always keep the manager dealing with the grievance informed of any new developments, further allegations or information that may come to light throughout the course of the investigation.

10.3 Timescales

10.3.1 Managers must recognise that failure to deal with grievances in a timely manner may lead to a deterioration in the relationship between the employee and the Council, place undue stress on those involved in the grievance, and in some cases, mean that the issues that have given rise to the grievance become more difficult to resolve. It also leads to a lack of trust and confidence in management, and can place the Council at risk if the matter progresses to an Employment Tribunal.

10.3.2 It is critical for the effective operation of this policy that the indicative timescales set out to deal with grievances are adhered to so far as reasonably practicable.

10.3.3 At the informal stage, managers should seek to meet an employee to discuss their concern or complaint within 5 working days where this is practicable. This may be varied on agreement.

10.3.4 At each formal stage, managers should reach a decision on the grievance within **one month** of receipt of the grievance or appeal. This includes time required for investigation. The timescales are as follows:

- Acknowledgement of grievance within 5 working days of receipt.
- Meeting to discuss grievance within 10 working days of receipt.
- All investigations complete and hearing arranged within 1 month of receipt of grievance.
- Outcome to be delivered within 5 working days of hearing.
- Written notification of intention to escalate to Stage 2 to be submitted within 10 working days
- Stage 2 to be heard within 10 working days of receipt.
- Stage 2 outcome to be delivered within 5 days of hearing.
- Written notification of intention to escalate to Stage 3 to be submitted within 10 working days.
- Appeal panel of Elected Members to convene as soon as can be arranged.

All of the above timescale may be varied by mutual agreement in exceptional circumstances.

10.3.5 It is recognised that in exceptional circumstances and in particularly complex cases, grievances may sometimes take longer than anticipated to deal with. Timescales may be varied by mutual agreement and all parties should be kept updated on progress regularly.

10.3.6 In such cases, the manager must ensure that the employee (and their trade union representative) are made aware of the reasons for any delay in progressing the grievance, and that there is justification for the delays. It is important that effective and regular communication is maintained throughout the process. If timescales are not met without justifiable reason, the employee may take the grievance to the next stage of the process.

10.3.7 Timescales for Stage 3 (Elected Members) will be subject to the availability of The Appeal Panel.

10.3.8 Indicative timescales for the resolution of the grievance are set out at each formal stage. Please also refer to the "Grievance Procedure Flowchart", attached at Appendix Two.

10.4 Stage 1 (Formal)

Manager or Senior Manager

- 10.4.1 It is important that managers have the opportunity to deal with grievances from employees who directly report to them. However, if the manager has been involved in seeking to resolve the issue at the informal stage or is the subject of the grievance, this matter should be raised to the line manager's manager/senior manager.
- 10.4.2 Once a grievance is submitted in writing to the manager, this should be acknowledged within 5 days. An initial meeting with the employee should be arranged within 10 working days of receipt of the grievance to discuss the details of the grievance and the outcome(s) the employee is seeking. The purpose of this is to seek clarification of the issue(s) and to acknowledge in person that the matter is being dealt with.
- 10.4.3 If the grievance is a complaint against a colleague, the manager will normally also meet with the person who is the subject of the grievance (the respondent) to make them aware of the complaint, ascertain their version of events and any background to the concern that has been raised.
- 10.4.4 An Investigating Officer may be appointed at this stage, when necessary. Guidance on this may be found at 10.2 above.
- 10.4.5 Following the investigation, a Stage 1 hearing will be arranged by the manager, giving at least 5 working days written notice to all parties required to attend the hearing.
- 10.4.6 The manager dealing with the grievance may ask the investigating officer to attend the meeting. In exceptional circumstances, the manager may decide to call relevant witnesses, if he/she believes it is necessary to determine the grievance.
- 10.4.7 Following the hearing, the manager should confirm the outcome in writing, within 5 working days. This may be varied by mutual agreement in exceptional circumstances.
- 10.4.8 If the employee is dissatisfied with the outcome at Stage 1, they may opt to take the matter to Stage 2 by writing to the Chief Officer within 10 working days of the date of the decision letter at Stage 1.

10.5 Stage 2: (Formal)

Chief Officer or nominated Head of Service

- 10.5.1 The Chief Officer should acknowledge the grievance within 5 working days. In doing so they may nominate the Head of Service to hear the grievance on their behalf at this stage.
- 10.5.2 An initial meeting with the employee should be arranged within 10 working days to discuss the details of the grounds for appeal and the grievance itself.
- 10.5.3 If further information is required, the Chief Officer should consider whether further investigation is required or whether the information can be provided at the grievance hearing itself.

- 10.5.4 A Stage 2 hearing will be arranged by the Head of Service, giving at least 5 working days written notice to all parties required to attend the hearing.
- 10.5.5 The manager dealing with the grievance may ask the manager who dealt with the grievance at Stage 1, to attend the meeting. In exceptional circumstances, the manager may decide to call relevant witnesses, if he/she believes it is necessary to determine the grievance.
- 10.5.6 The employee who has raised the grievance will be notified of the outcome of the Stage 2 hearing in writing, normally within 5 working days of the date of the hearing.
- 10.5.7 If the employee is dissatisfied with the outcome at Stage 2, they may opt to take the matter to Stage 3 by writing to the Chief Executive within 10 working days of the date of the decision letter at Stage 2.

10.6 Stage 3: (Formal)

Appeal to Elected Members

- 10.6.1 The Chief Executive will acknowledge receipt of the Appeal and make arrangements for the appeal to be heard by an Elected Members Appeal Panel (Sub Committee of The Employment and Appointments Committee).
- 10.6.2 This will be convened at the earliest opportunity. Timescales at this stage are subject to the availability of Elected Members.
- 10.6.3 All parties required to attend the hearing will be given at least 10 working days written notice. This notice provision may be varied with agreement of the aggrieved and the respondent.
- 10.6.4 The Head of HR/OD, (or their nominated representative), and The Head of Legal and Committee Services (or their nominated representative) will sit on the panel in an advisory capacity.
- 10.6.5 The documentation that is required for a hearing, known as the 'bundle', should include:
- Details of the grievance.
 - Investigation reports including signed witness statements.
 - Decision letters from managers at previous stages.
 - Grounds for appeal letters.
 - Notes of meetings/hearings at previous stage
 - Any other relevant information (training records, notes of appraisal meetings, occupational health reports etc).
- 10.6.6 This information should already be available from previous stages of the process. No new information would normally be supplied in the bundle. However, as Stage 3 is the final stage of the internal procedure, it is important that any information that is relevant which will assist the appeals panel in reaching a decision is put forward for consideration.
- 10.6.7 This bundle should be collated by the Human Resources representative who has advised the Chief Officer/Head of Service at the Stage 2 hearing. A copy of the bundle will be provided to the Appellant who will also have the opportunity to put forward any information that they consider relevant which is not already included.

- 10.6.8 The employee who has raised the grievance and the Chief Officer or Nominated Head of Service who has heard the case at Stage 2, should be requested to identify any witnesses they wish to call to give evidence at the hearing.
- 10.6.9 The Members will then hear the grievance and notify both the employee and the respondent of the final outcome normally within 5 working days of the date of the hearing or as soon as possible thereafter.
- 10.6.10 At this stage, the employee will be notified that the outcome is final and that this is the end of the appeal process.

11. Notification to attend a grievance hearing

- 11.1 Employees must be provided with at least 5 working days written notice of a grievance hearing at Stage 1 and 2, and 10 working days written notice at Stage 3. The manager hearing the grievance is responsible for writing to the employee, in conjunction with HR.
- 11.2 The letter will advise the employee of the following:
- The location, date and time of the proposed grievance hearing.
 - The employee's right to be accompanied.
 - The identity of the Manager/Head of Service/Chief Officer nominated who is dealing with the grievance.
 - A copy of the Investigating Officer's report, where applicable.
- 11.3 The manager dealing with the grievance should seek to agree the date of the meeting with the employee and their recognised trade union representative or work colleague.
- 11.4 The employee is under a duty to take all reasonable steps to attend the hearing. If the employee's work colleague or trade union representative cannot attend on the proposed date, the employee can suggest another date so long as it does not create unreasonable delay, and should be no longer than 5 working days where possible.
- 11.5 When an employee fails to attend a grievance hearing, or does not respond to the invitation to the grievance hearing, without good reason, the manager will attempt to reschedule another meeting. However, should this second attempt result again in non-attendance without good reason, or failure to respond to the invitation, then the Council at this point is no longer obliged to consider the grievance and may end the process at this point.

12. Right to be Accompanied

- 12.1 At any formal grievance hearing the employee has the right to be accompanied by a representative. The representative may be a trade union representative, or work colleague. The representative should not be a family member or legal representative. Unavailability of a particular representative should not cause delays to the grievance proceedings, an alternative representative should be considered in such cases.
- 12.2 The Council will not meet any of the costs associated with the attendance of the representative at a grievance hearing beyond granting paid time off to a representative who is a Council employee.

- 12.3 The complainant, respondent and any witnesses have the right, if they wish, to be accompanied at any formal meetings held as part of the grievance process by a work colleague or accredited trade union representative. The representative/companion is permitted to address the hearing in order to put forward the employee's case, they can sum up the case and comment upon any view expressed at the hearing. They are also permitted to confer with the employee during the hearing.
- 12.4 It should be noted however that the companion/respondent has no right to answer questions on behalf of the member of staff, to address the hearing if the employee does not wish him/her to do so.

13. Format of Grievance Hearing

13.1 In general terms the following format is suggested at all stages:

Introductions

The manager hearing the grievance will outline the reason for the hearing and ask each person present to introduce themselves and state their role.

Employee Case

The employee or their representative will then outline their grievance and state how they would like to see it resolved.

Management Consideration

The investigation report, related evidence and decision made at the previous stage should be considered by the manager. If required, the manager who heard the grievance at the previous stage may present the reasons for their decision(s).

Adjournment

The hearing will adjourn so that the manager can consider the issue(s) carefully, and to reach a decision.

Where it is necessary for the manager to undertake further investigation or take further advice, they must set out the timescales by which they will be able to reconvene or be in a position to notify the employee of their decision.

Outcome

Where possible, the manager will recall the employee and their representative to inform them of the decision(s), which will be confirmed in writing. In some cases, the employee and their representative will be informed of the decision(s) and outcome(s) in writing, this will be done within 5 working days. The manager hearing the grievance may recall the parties to clear points of uncertainty on evidence already given.

14. Role of Witnesses

- 14.1 It is often the case that witness statements are taken at the investigation stage. Witnesses should be made aware that their statement will be disclosed to parties involved in the grievance.
- 14.2 Witness statements should be signed and verified as a true record. Witness statements should be taken as read and witnesses should not be required to attend the hearing before a manager simply to confirm information they have already provided unless this is necessary for a decision to be made.

15. Decision and Outcomes

15.1 Notification of the manager's decision may be given verbally to all parties concerned, but in all cases will be confirmed to the employee and their representative in writing within 5 working days of the hearing. The decision letter will include:

- The outcome of the grievance hearing.
- The reasons for the decision(s) made.
- Notification of the employee's right to appeal at each stage and the relevant timescale to appeal.

15.2 At Stage 3, the employee will be informed that the decision is final and that this is the end of the internal process for dealing with the grievance procedure. Employees have the right to submit a claim to an Employment Tribunal.

15.3 At each stage, Human Resources should be notified of the outcome of the grievance hearing using Form M35.

15.4 The outcome of the grievance can be either:

- Upheld
- Not upheld
- Partially upheld

It should be made clear in the outcome letter, which elements of the grievance are upheld or not upheld, what was considered and the reasons for each decision made.

15.5 Any of the above outcomes may also be accompanied by a recommendation for management action.

15.6 If the grievance is substantiated (upheld) further advice should be sought from HR in respect of any further action required.

15.7 Where a grievance contains a number of separate elements, managers must ensure that the finding reached in relation to each element is clearly set out in the outcome letter. It is very important that managers and employees have an understanding and agree on the specific issues giving rise to the grievance and that the outcome letter addresses each of these issues. This will assist managers at the next stage, if some issues within the grievance are agreed as 'dealt with' and do not need further consideration at the next stage.

16. Grievance raised after an Employee has left the Organisation

16.1 Where an employee has left the organisation, and wishes to raise a grievance, the ex-employee should:

- Submit a letter to the Chief Officer as soon as practicable, but no later than 3 months from the date of leaving, stating the wish to raise a grievance.
- The letter should contain a clear statement explaining the nature of, and basis for, the grievance. It should also include any available relevant supporting documentation.

16.3 The Chief Officer (or delegated senior manager) in consultation with Human Resources will:

- Consider the grievance.
- Set out the response in writing and send this to the ex-employee.

This should be within 28 days of receipt of the grievance.

- 16.4 There is no legal requirement for the Council to deal with grievances raised by ex-employees. However, dealing with such grievances may identify possible employment tribunal complaints and where possible and appropriate, prevent those grievances from becoming tribunal complaints. The ex-employee will not have the right to appeal the decision.

17. Grievances which contain allegations of misconduct by a colleague

- 17.1 There may be occasions where an employee raises a grievance which contains potentially serious allegations against another employee.
- 17.2 In such circumstances the manager receiving the grievance should seek advice from Human Resources and/or a more senior manager.
- 17.3 The manager dealing with the grievance should make an assessment of the nature of the allegations. This may involve an initial fact finding meeting with both the complainant and also the employee accused of misconduct.
- 17.4 This is not to take the form of an investigation but is designed to allow the manager to make an assessment of the situation and determine the appropriate next steps.
- 17.5 The manager should consider:
- The seriousness of the matter.
 - The working arrangements of the parties during the grievance.
 - Depending on the nature of the matter, whether suspension is necessary to allow an investigation to take place.
- 17.6 If the matter is deemed to be a potential disciplinary issue, the Nominated Officer should appoint an investigating officer to investigate the matter in accordance with the Council's disciplinary procedure.
- 17.7 The disciplinary investigation and hearing should, where possible, be concluded ahead of the grievance to ensure this is dealt with as quickly as possible. This is particularly important if employees have been suspended during a disciplinary investigation.
- 17.8 To assist in ensuring that matters are concluded as speedily as possible, any statements or evidence collected during the disciplinary procedure may also form part of the grievance investigation.
- 17.9 The manager who deals with the disciplinary matter may also be the manager who determines the outcome of the grievance. This may not always be appropriate and should be determined according to the circumstances, and with advice from Human Resources.
- 17.10 If a manager receives a grievance alleging bullying, harassment or victimisation on the grounds of race, gender, disability or any other protected characteristic as defined in the Equality Act 2010, they should seek advice from Human Resources and/or a more senior manager at the very earliest opportunity. Managers should also refer to the Dignity at Work Policy.

18. Records

- 18.1 In the event that the aggrieved employee requests a copy of any of the formal meeting/hearing minutes or notes relating to their grievance, these should be given to the employee.
- 18.2 All notes taken and correspondence produced during any of the steps of the grievance procedure should be kept by the manager. The letter detailing the outcome of the grievance will be placed on the personal file of the employee who raised the grievance.
- 18.3 All notes must be stored safely as an Employment Tribunal may request full disclosure of all notes. A fully copy of the grievance case will be kept by Human Resources.
- 18.4 All written documentation will be kept in accordance with the Data Protection Act 1998.

19. Monitoring

- 19.1 The Grievance Policy will be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.
- 19.2 Grievance cases across the Council will be monitored by Human Resources in order that any trends or areas of concern can be identified.
- 19.3 The Council is committed to providing a working environment free from discrimination and victimisation. Information relating to grievances will be analysed by protected characteristics in accordance with the requirements of The Equality Act 2010.
- 19.4 Information on the number, nature and timescales of grievances will be regularly reported to Departmental Management Teams, The Executive Team and the Employments and Appointments Committee.