
Grievance Procedure

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1. Introduction

- 1.1. The Council, Tameside and Glossop CCG and Governing Body is committed to ensuring that all employees are supported in the workplace to undertake their role effectively and aims to maintain good employment relations and effective two-way communications such as induction, supervisions and team meetings. It is expected that most issues are resolved informally through internal management arrangements.
- 1.2. The main aim of this procedure is to have a process in place should an issue arise that cannot be resolved through these arrangements. A grievance is a complaint by an employee about an action, or lack of, which their employer has taken, or is contemplating taking, in relation to them. The purpose of this procedure is to provide a mechanism for employees to raise a grievance and to have it dealt with fairly and speedily. This will help to maintain good working relationships.

2. Scope of the Grievance Procedure

2.1. The Grievance Procedure applies to all employees of Tameside Metropolitan Borough Council, CCG and the Governing Body of a School.

2.2. The following are examples of issues that may cause a grievance:

- misapplication of terms and conditions of employment
- health and safety
- work relations
- bullying and harassment – refer to Appendix A for further information
- new working practices
- working environment
- organisational change
- discrimination

The above list is not exhaustive.

2.3. Grievances regarding the following will NOT be considered under this Grievance Procedure:

- statutory pay deductions (e.g. income tax, national insurance, attachment of earnings etc.)
- rules of the pension scheme
- redundancy

3. Key Principles

3.1. As part of this procedure:

- the informal stage will be used in the first instance, where appropriate
- it is expected that grievances are submitted in writing as soon as possible after the matter arises, but no later than three months after the concern or issue occurring. The Chair of any grievance hearing will not take into consideration any evidence dating back more than 12 months old
- grievances must be submitted in full using the Notification of Grievance Form (Appendix C), as additions to the original grievance added at a later date will not be considered. Re-submissions of the same grievance will not be considered
- each stage should be taken without unreasonable delay and both managers and employees should adhere to the timescales within the procedure in order to resolve the grievance as quickly as possible. Where a manager cannot respond within the set timescales, they should inform the employee of the reasons for the delay and advise the employee(s) when a response can be expected

- where a grievance may apply to more than one person, it may be appropriate for the employees to be represented by a nominated spokesperson for the group or a certified Trade Union official
- there is an obligation on all parties to attend the meeting / hearing as part of the Grievance Procedure
- a grievance may be withdrawn at any stage of the process by informing the appropriate manager / headteacher in writing
- the employee will be notified of pre-planned dates for all procedural steps at the outset. This does not pre-empt that further action is required, but is in the best interest of the employee to ensure the matter is dealt with expediently.

3.2. As a responsible employer, the Council, CCG and Governing Body will:

- ensure that all matters are dealt with confidentially within data protection requirements
- ensure the procedure is applied fairly and consistently within the requirements of the Equality Act, considering reasonable adjustments where required
- allow an employee to be accompanied at any formal meetings by a work colleague or a certificated representative of a trade union / professional association
- ensure no employee suffers a detriment for raising a genuine grievance

3.3. Managers are required to:

- utilise effective management systems, such as thorough inductions and regular supervisions and progress meetings, in order to support effective employee relations
- encourage employees to raise a concerns informally in the first instance and take all reasonable steps to try and resolve issues before progressing to the formal stage
- regard a grievance as a priority and aim to resolve a grievance as quickly as possible in order to preserve good employment relations
- support employees by signposting them, as appropriate, to support services whether internal and external to the organisation
- maintain accurate records

3.4. Employees are responsible for:

- keeping themselves apprised of any standards, codes of conduct, or locally agreed practices applicable to their role
- avoiding any behaviour and/or actions that may cause colleagues to be aggrieved
- taking positive action to resolve any concerns informally in the first instance
- engaging positively with any proposals or recommendations for resolution

3.5. Failure to attend meetings

3.5.1. There is an obligation on all parties to attend meetings.

3.5.2. If an employee, or his / her representative, has a justifiable reason for being unable or refuses to attend a meeting / hearing, one further attempt will be made to reconvene at an alternative date and time within 5 working days of the original date for the meeting.

3.5.3. If the employee or their representative is unable to or refuses to attend the reconvened meeting, the meeting will be conducted in their absence.

3.5.4. Should an employee not wish to or be unable to attend a meeting / hearing they are able to submit a written submission for consideration by the Chair of the meeting / hearing or ask their representative to attend on their behalf. The employee should arrange this if they so wish and inform the Chair of the meeting / hearing accordingly.

3.5.5. Failure to attend meetings or engage with the identified support arranged as part of this procedure without good reason, may lead to disciplinary action being taken.

3.6. Overlap With Other Procedures

3.6.1. Commencement of the Grievance Procedure should not deter the progress of any other procedures however, in some circumstances, it may be appropriate to temporarily defer another procedure i.e. the disciplinary procedure or the capability procedure in order to address the grievance. Where the grievance is unrelated to any other process, it will be appropriate to deal with both issues concurrently.

3.7. Malicious Grievances

3.7.1. Malicious or vexatious complaints will not be tolerated and may be treated as misconduct under the disciplinary procedure.

3.8. Collective Grievance

3.8.1. A nominated person from the collective group should complete the Notification of Grievance Form (Appendix C) to act as co-ordinator on behalf of the group. All other aggrieved employees involved should then complete the Collective Grievance Signature Form (Appendix D).

3.8.2. The co-ordinator will be the principle contact for the collective group, unless otherwise agreed, and will be expected to attend any meeting / hearing and circulate any information to the group.

3.9. Modified Grievance Procedure (MGP)

3.9.1. The Modified Grievance Procedure applies where:

- an employee has already left employment, or
- the standard Grievance Procedure has not commenced or has not been completed before the employee left employment

3.9.2. If a grievance is raised immediately prior to an employee leaving their employment with the Council, CCG or School (or after they have left their employment) and it is not reasonably practical to follow the formal procedure in its entirety, the Modified Grievance Procedure will be used. It is to be agreed in writing that the modified procedure should be used.

3.9.3. Where the modified procedure is used, this will consist of the following process:

MGP Stage 1 - Statement of Grievance:

The individual must set out in writing the nature of the grievance and the basis for it within 10 working days of leaving employment with the Council, CCG or School. Under exceptional circumstances this timescale may be extended. This should be sent to the former employee's manager / headteacher.

MGP Stage 2 - Response:

After due investigation and consideration, the appropriate manager will provide a written response within 10 working days. In this case, there is no right to appeal against the outcome and the process will be deemed to be complete once the response has been provided.

3.9.4. There is no right to appeal against the outcome and the process will be deemed to be complete once the response has been provided.

4. The Grievance Procedure

4.1. Informal Stage

- 4.2. There is an equal responsibility on both the employee and the manager to try and resolve a grievance informally. Informal action provides the opportunity for problems to be resolved as quickly as possible at an early stage. Employees will be expected to raise their grievance informally in the first instance with their manager / headteacher before taking any formal action.
- 4.3. When a grievance is being dealt with informally, managers will need to:
- meet with the employee and listen to their concerns
 - explore the issue in detail
 - consider all information presented
 - assess the impact of the issue
 - confirm the outcome of the meeting in writing
 - explain subsequent stages
 - record the details
- 4.4. There is no automatic right for the employee to be accompanied by a workplace colleague or certified trade union representative at the meeting although, managers should not unreasonably refuse a request from the employee to be accompanied by a trade union representative or work colleague for such a meeting.
- 4.5. Where an employee does not seek to resolve a grievance informally in the first instance, the manager has the right to refer the employee back to the informal stage before allowing the grievance to progress formally. Equally, where a matter should be progressed directly to the formal procedure the manager will invoke the appropriate stage.

5. Formal Grievance Procedure

- 5.1. Where an employee determines that the matter has not been resolved informally, the Formal Grievance Procedure can be invoked. The procedure comprises of the following stages:
- Stage One – Written Grievance Notification
 - Stage Two - Grievance Hearing
 - Stage Three - Appeal
- 5.2. Employees should submit a Notification of Grievance Form (Appendix C) to the relevant manager / headteacher to outline the nature of their grievance within 10 working days of written notification of the informal outcome. This should include details of the employee's representative should they chose to have one.
- 5.3. Within 2 days of a Notification of Grievance Form being received, an appropriate officer will be identified to explore the grievance. The officer may, or may not be, from the employee's service area / school, and may not be employed directly by the Council, CCG or School.
- 5.4. Within 5 working days of receipt of the Notification of Grievance Form, the officer will write to the employee advising of the date of the grievance hearing which will take place within the next 5 working days. This letter should include the following information:
- the details of the grievance as outlined by the employee
 - their right to be accompanied
 - the arrangements for the hearing

- pre-planned dates for an appeal hearing to ensure issues are resolved expediently in the event they are not resolved at the hearing

5.5. If the employee chooses to be represented at the hearing, by either a work colleague or a trade union, and their colleague or trade union is unable to attend, the employee may request that the meeting be deferred for a maximum of 5 working days.

5.6. Grievance Hearing

5.6.1. During the grievance hearing, the employee will have the opportunity to discuss their grievance and provide any evidence. As part of hearing process, the officer may speak to colleagues and witnesses, and/or request additional information relevant to the grievance.

5.6.2. Following due investigation and consideration of the nature of the grievance, the officer should communicate the decision orally to the employee unless further investigation/consideration is required. This response should be confirmed in writing on the Notification of Grievance Form, within 5 working days of the hearing. This form provides the employee with the facility to either agree/accept the decision or take the grievance to the next stage.

5.6.3. If the officer needs more time for further investigation or consideration, the hearing should be adjourned and reconvened at a date and time mutually agreeable. This should usually take place within 5 working days following the original hearing date.

5.6.4. The employee should complete the response section of the Notification of Grievance Form within 10 working days. This will confirm whether the employee:

- **IS** satisfied with the decision, or
- **IS NOT** satisfied, or is only partially satisfied, with the decision

5.6.5. Where the employee is not satisfied or only partially satisfied with the decision they have the right to appeal and progress their grievance to an appeal hearing. To do this, the employee should complete the appeal section on the Notification of Grievance Form.

6. Appeal

6.1. Where an employee is not satisfied or only partially with the outcome of the grievance hearing, they may appeal against the decision. An appeal should be made in writing within 10 working days of the date of the written outcome.

6.2. The Notification of Grievance Form should include an appeal statement detailing the grounds of appeal and should also include any supporting information the employee wishes to be considered at the appeal hearing. The grounds of appeal should include one of the following reasons:

- to challenge the way the Grievance Procedure was undertaken
- to challenge the evidence on which the decision was based
- to challenge the decision made

6.3. Within 5 working days of receipt of the Notification of Grievance Form, the employee will be advised of the date of the appeal which will take place within the next 5 working days. The employee will also be provided with any additional documentation circulated by either party in advance of the appeal hearing.

- 6.4. The appeal will be heard by an alternative officer (or the appeals committee of the Governing Body). The officer involved in the grievance hearing may be present at the appeal hearing if the appeal Chair / Committee believe it would support the process.
- 6.5. If the employee chooses to be represented at the appeal hearing, by either a work colleague or a trade union, and their colleague or trade union is unable to attend, the employee may request that the appeal be deferred for a maximum of 5 working days.
- 6.6. The purpose of the appeal hearing will be to review the decision made. The information from the hearing along with the appeal statement will be considered.
- 6.7. Following due investigation and consideration of the nature of the grievance, the Chair / Committee should communicate the decision orally to the employee unless further investigation/consideration is required. This response should be confirmed in writing on the Notification of Grievance Form, within 5 working days of the appeal hearing.
- 6.8. If the Chair / Committee need more time for further investigation or consideration, the appeal hearing should be adjourned and reconvened at a date and time mutually agreeable. This should usually take place within 5 working days following the original appeal hearing date.
- 6.9. The Chair of the appeal hearing will inform the employee in writing of the final decision within 10 working days.
- 6.10. The decision made at the appeal hearing is final.

BULLYING AND HARRASSMENT**Dignity at Work**

The Council / School aims to eradicate all forms of unacceptable behaviours which undermine an employee's dignity at work, including unintentional offensive behaviour. As well as accepting its legal responsibilities, the Council / School is committed to broadening these principles in all aspects of Equal Opportunities including harassment on the grounds of race, sex, disability, sexual orientation, age, religion or belief, gender re-assignment, marriage, (known as protected characteristics), trade union membership and family care responsibilities.

Bullying is defined by ACAS as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

Harassment is defined by ACAS as "unwanted conduct affecting the dignity of men and woman in the workplace. It may be related to age, sex, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient."

In addition, any manager within the Council / School who becomes aware of any behaviour which may come under the Grievance Procedure, whether or not a complaint has been made, has a responsibility to take the matter forward.

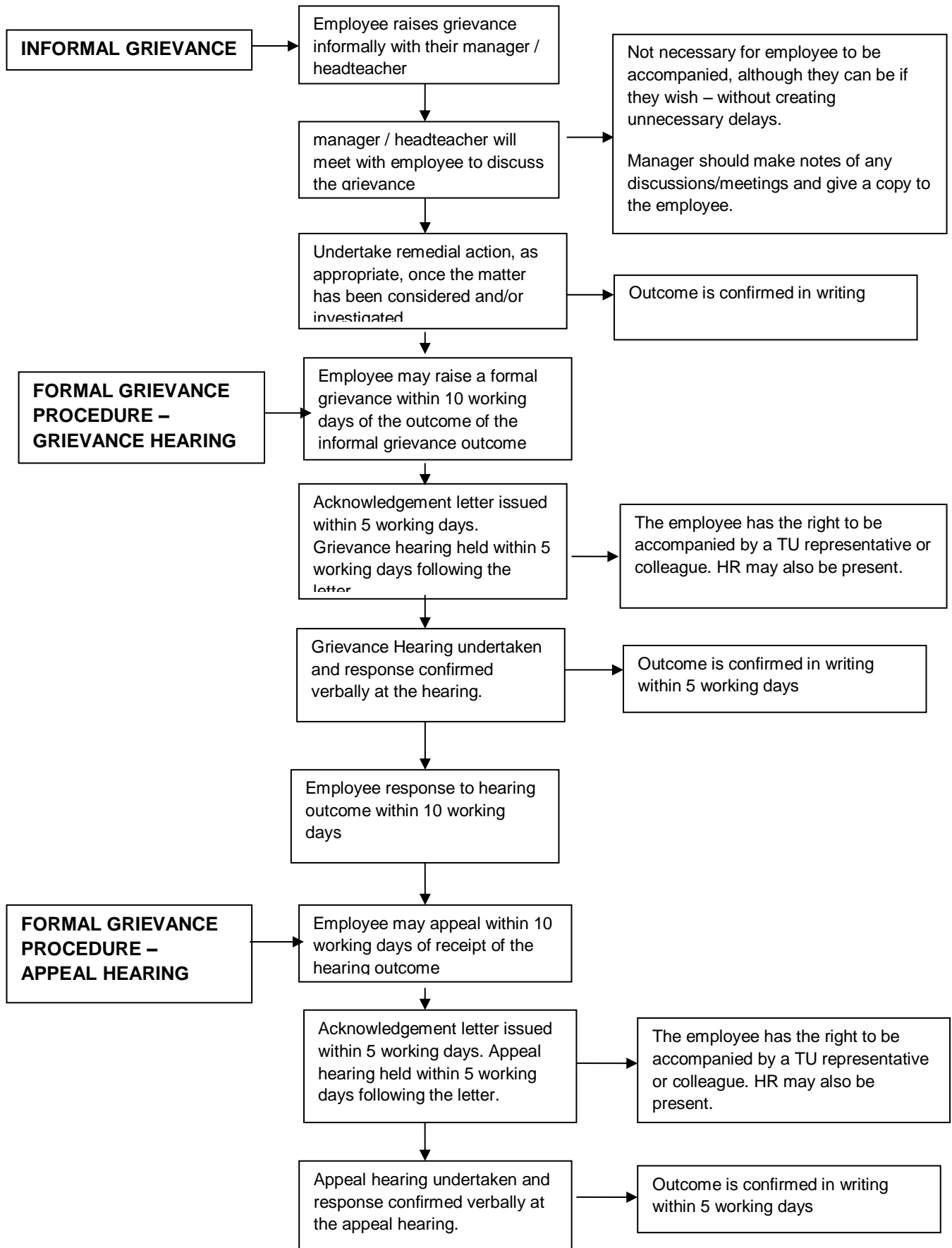
Employees should be aware that different people have different perceptions about what behaviour is acceptable and what is offensive. Just because one person is not offended by a particular comment or action does not guarantee that others will not be offended.

A single act of bullying or harassment which is determined as unwarranted and unwelcome behaviour can lead to a grievance.

Examples of behaviour which may be deemed as harassment and/or bullying:

- Unwelcome comments about the way people look.
- Requests for sexual favours
- Jokes, banter and insults which are 'sexist' or racist
- Graffiti or the display of inappropriate or offensive pictures or computer images
- Intrusive questioning relating to one's race, religion, sexual orientation or sex life
- Unwanted physical contact such as patting, pinching or other forms of touching
- Gestures or threats
- Bullying or constant unwarranted criticism
- Excluding someone from conversations or other activities in which they would normally expect to be involved
- Ridicule based on cultural differences such as appearance, dress, diet religion or ethnic background
- Mockery, taunts or pranks about age, disability, sexual orientation, cultural differences
- Derogatory name-calling

FLOWCHART - GRIEVANCE PROCEDURE



NOTIFICATION OF GRIEVANCE FORM

Employee Name	
Payroll Number (PRN)	
E-mail address for correspondence	
Contact telephone number	
Job Title	
Service / School	
Representative Name (<u>must</u> be completed if you have chosen to have a representative)	
Representative contact details for correspondence	
Manager / Headteacher to receive notification	

Once complete, please submit this form via email or post to the appropriate manager / Headteacher

Nature of Grievance:

Please provide details of the issue(s), date(s), time(s), location(s), any witnesses and supporting evidence. Grievances must be submitted in full, as additions to the original grievance added at a later date will not be considered.

Informal Action Taken

Please provide details of the informal steps taken, and the outcome(s) of this:

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Employee Suggestions for Resolution:

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Employee Signature	
Date	
<i>For a collective grievance, please provide details of the nominated employee to represent the group. All other employees involved should sign and date the Collective Grievance Signature Form.</i>	
Date of form received	
Appointed Officer	

Response to the Grievance Hearing held on _____:

Details of the response, actions to be undertaken, responsible persons and where appropriate timescales:

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Officer signature	
Date	
To be completed by the employee and returned within 10 working days (please tick)	
<input type="checkbox"/>	I/We accept the management response and actions above. The grievance is resolved.
<input type="checkbox"/>	I/We do not accept the management response and actions above. The grievance is not resolved. (please complete the Grievance Appeal section below stating your reasons as to why you remain aggrieved and submit this to the appropriate manager / Clerk to Governing Body).
Signature	
Date	

Grievance Appeal

Once complete please submit this form via email or post to the appropriate manager / Clerk to Governing Body.

Nature of Appeal:

Please state which elements of grievance remain unresolved that you wish the manager / committee to consider.

Response to the Appeal Hearing held on _____:

Details of the response, actions to be undertaken, responsible persons and where appropriate timescales:

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Chair of Appeal signature	
Date	

The appeal decision is final. There is no further right to appeal.

FORMAT FOR APPEAL HEARING**Chair of Appeal:**

- Welcomes all to the appeal and allows all present to introduce themselves
- Confirms that the appeal has been convened
- Confirms the grievance reasons being considered
- Confirms the employee has received the information pack
- Checks if employee is happy with their representation
- Establishes if any witnesses are to be called
- Explains the running order of the appeal
- Explains the purpose of the appeal

The Process

1. The officer presents information to the Chair / Committee. Calls witnesses as appropriate.
2. The employee (or their representative) may question the officer.
3. The Chair / Committee may question the officer.
4. The employee (or their representative) presents information to the Chair / Committee. Calls witnesses as appropriate.
5. The officer may question the employee.
6. The Chair / Committee may question employee.
7. The employee (or their representative) may sum up.
8. The officer may sum up

ADJOURN

Appeal adjourned whilst the Chair / Committee consider the matter and deliberate their response.

RECONVENE

9. Both sides are recalled and the decision is conveyed.
10. Confirm that the appeal decision is final and there is no further right to appeal.
11. The decision will be confirmed in writing.