
Grievance Policy

SHARED SERVICES



Council of the
ISLES OF SCILLY

May 2015

Law relating to this document:

Employment Rights Act 1996

Employment Relations Act 1999

Employment Act 2008

ACAS Code of Practice on disciplinary and grievance procedures

REVISIONS TO SOURCE DOCUMENT

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Responsible Officer	Senior Officer: Shared Services	Review Date	May 2016

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Date	Version	Author/Editor	Comments
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Equalities Impact Assessment Record					
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CONTENTS

Revisions to Source Document	1
Contents.....	2
Policy Statement	3
Mediation.....	3
The Right to be Represented	3
Conducting the grievance procedure	4
Formal Grievance Procedure	4
Making the complaint	4
The Grievance Meeting.....	5
Appeal	5

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POLICY STATEMENT

- 1.1 The Council believes that all employees should be treated fairly and with respect. If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your line manager, who will attempt to resolve the situation on an informal basis. If you feel unable to approach your line manager directly, you should approach a member of HR or the Senior Officer: Shared Services, who will discuss ways of dealing with the matter with you.
- 1.2 Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which you have been treated by the Council or managers acting on its behalf. If your complaint relates to bullying or harassment on the part of a colleague, the matter should be dealt with under the bullying and harassment procedure. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure and you will be informed that this process is being undertaken.
- 1.3 Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed. However, issues that are the subject of collective negotiation or consultation with trade unions will not be considered under the grievance procedure.
- 1.4 Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.
- 1.5 Grievances raised while you are subject to disciplinary proceedings will be considered on a case by case basis and will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

MEDIATION

- 2.1 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

THE RIGHT TO BE REPRESENTED

- 3.1 You have the right to be represented by a trade union representative or colleague (who is not a family member) at any grievance meeting or subsequent appeal.
- 3.2 The choice of representative is a matter for you, please note that individual workers are not obliged to agree to represent you. Representatives will be given appropriate paid

time off to allow them to represent colleagues at a grievance meeting or appeal meeting.

- 3.3 At any meeting or appeal meeting, your chosen representative will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the meeting and appeal meeting are essentially meetings between the employer and you, so any questions put directly to you should be dealt with by you and not your representative.
- 3.4 Where the chosen representative is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date.

CONDUCTING THE GRIEVANCE PROCEDURE

- 5.1 The Council recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated fairly and with respect. The Council will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

FORMAL GRIEVANCE PROCEDURE

MAKING THE COMPLAINT

- 6.1.1 The first stage of the grievance procedure is for you to put your complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.
- 6.1.2 Your complaint should be headed "Formal grievance" and sent to your line manager. If your complaint relates to the way in which your line manager is treating you, the complaint may be sent to the Senior Officer: Shared Services.
- 6.1.3 Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance meeting.
- 6.1.4 Before proceeding to a full grievance meeting, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these investigations, you will be given a copy within five working days of the meeting for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will

be explained to you and an appropriate summary of the evidence gathered will be given to you.

THE GRIEVANCE MEETING

- 6.2.1 The meeting will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within ten working days of the receipt of your written complaint. It will be conducted by your line manager or Senior Officer / Senior Manager supported by an HR representative. If the case is against the Chief Executive or the Monitoring Officer then, Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.
- 6.2.2 You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, then the grievance process will end.
- 6.2.3 While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The manager conducting the meeting will intervene if they think that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.
- 6.2.4 Following the meeting, you will be informed in writing of the outcome within five working days and told of any action that the Council proposes to take as a result of your complaint. You may discuss this outcome informally with either your manager or the HR representative.
- 6.2.5 If you are dissatisfied with the outcome, you may make a formal appeal.

APPEAL

- 6.3.1 Your appeal should be made in writing to Senior Officer: Shared Services. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within fifteen working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within twenty working days of the submission of your formal appeal.

- 6.3.2 You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform HR of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, then the appeal process will end.
- 6.3.3 The appeal hearing will be conducted by a member of the Senior Leadership Team (with no previous significant involvement in the case) supported by an HR adviser. If the case is against the Chief Executive or the Monitoring Officer then, Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply. They will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance meeting was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 6.3.4 Following the appeal meeting, you will be informed in writing of the outcome within five working days. The outcome of the appeal will be final.