

Wiltshire Council Human Resources Grievance Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

There are further supporting documents which should be read in conjunction with this policy. These will be made available to manager's and employees, as necessary. Employees who have any queries regarding the policy should speak to their line manager or trade union representative (where they are a member). Procedural advice can be sought from HRAdvisory@wiltshire.gov.uk

What is it?

1. The Council believes that the majority of workplace problems can be resolved informally and at an early stage through open and constructive dialogue between all parties. However, there may be occasions where this is not possible or appropriate.
2. A grievance might concern matters such as an employee's working practices, physical working environment, terms and conditions, work relations, health and safety. This policy and procedure sets out a consistent framework for dealing with genuine grievances in a supportive, timely, fair and reasonable way. It conforms with the ACAS Code and Guidance, relevant legislation and good practice. Its emphasis is on informal, early resolution and encourages Mediated Resolution as an important step in achieving this [[include link](#)]

Scope and General Principles

3. The policy applies to all Wiltshire Council employees, unless a separate policy applies under a TUPE transfer. Maintained schools and academies have their own policies.
4. For any Member appointed post (Chief Officers and deputy Chief Officers) this policy must be read in conjunction with their terms and conditions of employment and the Council's constitution.
5. It is recognised that addressing workplace problems can be upsetting. Everyone involved in the process is entitled to be treated with dignity and respect. The council will not tolerate discriminatory, retaliatory, abusive or insulting behaviour from anyone taking part in a grievance.
6. Dignity at work complaints which are not resolved at the informal stage, including through the use of Mediated Resolution, will be dealt with under the formal part of this procedure. These include complaints relating to inappropriate behaviour which can include harassment, bullying, victimisation and discrimination. In these cases this policy should be read in conjunction with the Dignity at Work Policy.

7. The policy and procedure apply equally to a grievance of a group of employees (this is not a collective grievance) – in these cases the group can appoint one of their number as a spokesperson, who then follows the procedure on their behalf.
8. Grievances are expected to be made in good faith. Any which are considered frivolous (not serious), vexatious (with intention to harass or distress), are knowingly untrue and/or malicious (with wrongful intention), could lead to disciplinary action being taken against the employee and the grievance process halted.
9. The grievance procedure is an important way of making sure that genuine concerns and complaints raised by employees are given an impartial hearing, investigated where appropriate, and fairly dealt with. However, to work effectively, it is important that the procedure deals with complaints only of genuine substance. Where it's genuinely believed that the formal grievance procedure is not an appropriate avenue to deal with trivial or minor complaints this will be explained to the employee.
10. Employees are encouraged to come forward with any complaints at the earliest opportunity. Delays may ultimately affect the decision on whether or how far the grievance can proceed.
11. Grievances need to be set out in full and cover all the issues that the employee considers are relevant to their complaint, along with the outcome they wish to achieve. This is to ensure that all issues are considered concurrently when determining the findings and appropriate outcomes. Therefore, second and subsequent grievances relating to the same course of events, may not be accepted if those grievances could have been included within the original complaint and there is no reasonable explanation why they were not.
12. Where an employee raises a grievance during the disciplinary process a decision will be made whether to deal with both cases concurrently or, if appropriate there may be a temporary suspension of the disciplinary process in order to deal with the grievance.
13. Exemptions - this policy and procedure will not apply to;
 - Concerns which are believed to be in the public interest. Refer to the council's whistleblowing policy. However, where the employee is directly affected by the matter in question, or where the employee feels they have been victimised for whistleblowing, an employee may raise the matter under this policy and procedure.
 - Other matters directly related to procedures which have their own appeal or review provisions these include; requests under the right to request access to information, individual redundancies, the non-renewal of fixed term contracts, job evaluations, disciplinary proceedings (including sanctions and decisions), issues relating to pensions, statutory deductions from pay such as income tax and national insurance.
 - Personal matters not directly related to employment. Line managers may be able to assist or advice can also be sought from the Employee Wellbeing helpline on 01225 713147.

- A collective grievance raised on behalf of two or more employees by a representative of a trade union or other appropriate workplace representative. These will be dealt with in the context of the council's joint consultative process.

Mediated Resolution

14. The council supports this intervention as an effective way of resolving workplace conflict issues without the need to formally raise a grievance. Employee(s) will be asked to consider this step before instigating a formal stage.
15. In choosing to pursue Mediated Resolution, the Grievance procedure will, if necessary, remain available at any stage.

The Procedure has an informal, formal and appeal stage:

Resolving matters informally

16. Employment problems and concerns are often raised and settled as a matter of course during everyday working relationships. Matters should aim to be resolved in this way, unless there are good reasons not to do so.
17. The employee should discuss the relevant matter initially with their line manager, as soon as possible. If the grievance is against the line manager it should be raised with the line manager's manager.
18. The line manager or line manager's manager should meet with the employee, as soon as practicable, to allow the opportunity to explain and discuss their grievance and seek to identify how it can be resolved. Every effort should be made to address grievances informally where this is appropriate. Mediated Resolution will be discussed at this stage if it is felt appropriate.
19. There is no right to be accompanied at this stage.
20. For completeness a summary of the discussion and outcome should be sent to the employee, as soon as possible after the meeting.
21. While the council encourages informal resolution of complaints (which might include Mediated Resolution) it is recognised this is not always possible or appropriate, depending on the nature of the matter being raised. Before a grievance is considered at the formal stage the employee will be asked to confirm any informal resolution that may have taken place or reasons they do not consider the informal resolutions to be appropriate. The grievance manager may wish to discuss these reasons with the individual before a decision is made to consider the matter under the formal stage and they may refer the matter back to the informal stage where appropriate.

Resolving matters formally – Step 1 – Lodging the Grievance

22. Formal grievances must be lodged in writing via The Grievance Notification Form - [grievance notification form GN1](#).

23. An appropriate manager/senior officer (the Grievance Manager) will be assigned to hear the grievance. This is likely to be either the employee's manager, the manager's manager or another manager from within the service line management structure, who is not the subject of the grievance.
24. At any formal stage meeting there is a statutory right to be accompanied by a work colleague or Trade union representative. Refer to the council's guidance on The Right to be Accompanied.
25. Where an employee has had a grievance raised against them, they will be informed of this as soon as it is possible and appropriate. They will be given a copy of the grievance notification form, or in cases where the grievance also relates to other matters, a copy of the part which is relevant to them.

Step 2 - Grievance Hearing

26. A Grievance Hearing will normally be held within 5 working days from the date the grievance was submitted.
27. The invite to the hearing will include any relevant supporting documentation e.g. documents from the investigation, statements, (subject to any rights of confidentiality, in which case documents will be redacted as appropriate). If the employee wishes to submit any further relevant supporting documentation this must be done at least 2 working days in advance of the hearing.
28. If the employee wishes to call any relevant witnesses, they should make the necessary arrangement and advise the hearing manager in advance.
29. The employee will be given the opportunity to restate their grievance and how they would like to see it resolved.
30. The grievance manager may consider adjourning the hearing, if necessary, to investigate any new facts, or to gather further information, which arise as part of this hearing.
31. The investigations will usually be conducted by the grievance manager unless there is good reason for this to be undertaken by another manager. Investigations will aim to establish the facts and will be undertaken, as soon as possible. Scope and timelines will depend upon the individual circumstances of the case. The employee raising the grievance and those who the grievance is against will be kept informed of progress and timelines, as appropriate.
32. Investigations will require the employee, and others identified, to attend investigation meetings. Employees will be expected to co-operate fully and promptly with any investigation process. The employee can be accompanied at formal investigation meetings.
33. After the hearing the grievance manager will adjourn to make their decision. Where possible, the decision will be notified verbally. The decision and any relevant

actions will be confirmed in writing (within 5 working days, where possible) along with a copy of the notes of the hearing (subject to any redaction for confidentiality purposes). The outcome will be either that the grievance has not been upheld or has been upheld, in part or full, and what action will be taken. The grievance manager will ensure that any actions identified as part of the outcome are allocated to appropriate parties to implement.

34. The employee whom the allegation has been made against will also be informed of the outcome verbally and then have this followed up in writing.
35. Specific details of any outcomes/actions in relation to other employees will not be shared, to respect confidentiality.

Step 3 – Right of Appeal

36. In line with the council's 'One Appeal Policy.'

Other Points to Note:

Failure to attend the formal grievance hearing/Lack of Pursuit

37. The employee must take all reasonable steps to attend the grievance hearing. Where an employee fails to attend without notice or good reason more than once the grievance manager can decide to proceed in their absence, on the basis of the information available. An employee will be notified of this decision and the outcome in writing. In addition to this where insufficient information is available to consider the grievance fully the grievance manager may decide that the complaint should be treated as withdrawn (due to lack of active pursuit) and any further complaints relating to the same facts and individuals will not be accepted. The employee will be notified if this is the case.

Transfer to another procedure

38. This procedure, including the investigation, may be suspended at any point where it becomes apparent that the matter or elements of it might be best dealt with in line with a different policy and procedure. The employee will be advised of this and next steps.

Equality

39. Wiltshire council is committed to equality, the principles of which are set out in the [Equality and Diversity Policy](#), together with information on the Equality Act and on our public sector equality duty (PSED).
40. Where an employee feels that there are adjustments that would help them to deal effectively with a formal process, they should make the relevant manager/officer dealing with the case aware, at the earliest opportunity.

Data Protection and GDPR (General Data Protection Regulations)

41. Wiltshire Council processes personal data in regard to this policy in accordance with the General Data Protection Regulations (GDPR). Further details on how employee's data is used and the basis for processing it is provided in the [HR & OD privacy notice](#).

Data collected is held securely and only disclosed to individuals for the purpose of completing the policy. Inappropriate access or disclosure of employee data may constitute a data breach and must be reported in accordance with Wiltshire Council's Data Protection policy. Any such breaches may result in an investigation and could lead to disciplinary action.

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