

## **Wiltshire County Council HR Policies And Procedures**

### **Grievance Procedure**

<b>Reference Number:</b>	HR/
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<b>Date Issued:</b>	June 2007
<b>1<sup>st</sup> Review date:</b>	TBC
<b>Next Review Date:</b>	TBC
<b>Ratified by:</b>	

<b>Related Policies:</b>	Disciplinary Procedure
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## **GRIEVANCE PROCEDURE**

### **1. INTRODUCTION**

- 1.1. If you have a grievance relating to your employment you have a right to express it and for the County Council to respond to it. The following procedure has been agreed as being the most effective way to achieve this.
- 1.2. Employees should aim to resolve most grievances informally with their line manager. However, where the matter cannot be settled informally, employees can take the grievance to the next stage by formally writing to their Chief Officer. A meeting will be arranged with the Chief Officer or his/her representative. You may then appeal if you are not satisfied with the Chief Officer's decision.
- 1.3. The procedure applies to all employees of the County Council except those employed in locally managed schools. A modified procedure may apply to staff that have left the County Council. In this case, refer to paragraph 5.
- 1.4. The procedure applies equally to a grievance of a group of employees, in which case the group can appoint one of their number as a spokesperson. The spokesperson will follow the procedure on the group's behalf and the answers given to or by the spokesperson will be deemed to have been given to or by all members of the group. The group can, if they do not wish to appoint a spokesperson, pursue the grievance as a body.
- 1.5. The County Council will not tolerate intimidation, victimisation, retaliation or discrimination against an individual. Where an employee has raised an issue of bullying or harassment under the appropriate procedure but feels that it has not provided a satisfactory outcome this procedure may be instigated.
- 1.6. Each step of this procedure and action required under it should be undertaken without unreasonable delay. The timing and location of meetings must be reasonable. Meetings must be conducted in a manner that enables both sides to explain their case.
- 1.7. Records made during the grievance process will be treated as confidential and will not be kept longer than is necessary.
- 1.8. If you have any queries about this procedure please contact your HR Adviser.

### **2. STAGE ONE – Informal Stage**

- 2.1. If you are aggrieved about any matter (except those listed under 'Exceptions' below) you should discuss the matter initially with your immediate supervisor, having made clear that it is a grievance. In most cases your supervisor can best deal with your grievance informally. (You may, if you wish, ask a colleague to support you when you raise your concern in this first instance.)
- 2.2. If the grievance concerns your immediate supervisor then you may raise the matter with their manager. If your grievance includes that

manager, you should contact your HR Adviser, who will agree an appropriate manager with whom to raise the grievance.

- 2.3. Your supervisor, their manager or the appropriate manager agreed with HR should provide his/her response to the grievance within 10 working days unless otherwise agreed.

### **3. STAGE TWO - Formal procedure**

- 3.1. If you are not satisfied with the reply given under paragraph 2.3 above and wish to take the matter further, you may raise the matter formally by following the steps below.

#### ***Step 1***

- 3.2. To raise a grievance formally, you must set it out in writing to your Chief Officer. You should include, where possible, the outcome you wish to see. If you need help in setting out your grievance in writing you may seek help from a work colleague or your Trade Union representative. If you have a disability which makes it difficult for you to formulate your grievance you should seek assistance from your HR Adviser.

Please see also the requirements of paragraph 3.5 below.

#### ***Step 2***

- 3.3. Your Chief Officer, or his/her authorised nominee, will respond to you in writing as soon as possible, inviting you to a meeting to discuss the grievance and informing you that you have a right to be accompanied by a trade union representative or work colleague. All reasonable requests to be accompanied must be made to your Chief Officer or his/her nominee, and can be made either orally or in writing. If your companion cannot attend on the proposed date you may suggest another date so long as it is reasonable and not more than 5 working days after the date originally proposed, unless a later date is mutually agreed.
- 3.4. You must take all reasonable steps to attend the meeting.
- 3.5. At least five working days before the date of the meeting, you must inform your Chief Officer of the basis of your grievance, in order to allow him/her sufficient time to consider his/her response to the information. This may include giving him/her further written materials.
- 3.6. At the meeting you will be allowed to explain your grievance and say how you think it should be settled. Where appropriate, the meeting may be adjourned to obtain further advice or to make further investigations.
- 3.7. If investigations are necessary which may cause the meeting to be delayed at any stage, you will be kept informed of progress.
- 3.8. Your companion may address the meeting, put or sum up your case, and respond on your behalf to any view expressed at the meeting, if you wish him/her to do so. For the avoidance of doubt, your companion cannot answer questions put to you.

- 3.9. After the meeting, your Chief Officer, or his/her nominee, will inform you in writing of the decision as soon as possible and in any event within 5 working days. The letter will also give details of your right of appeal.

### **Step 3**

- 3.10. If you are unhappy with the decision and wish to appeal, you should inform the Director of Resources that you wish him to refer your grievance to the Grievance Appeals Sub-Committee for determination. For the sake of clarity, you are advised to put your request in writing.
- 3.11. As soon as possible, you will be invited to attend a meeting of the Grievance Appeals Sub-Committee and informed that you have a right to be accompanied (see paragraph 3.3 above). The meeting should be heard within 25 working days of receipt of the appeal notice. You must take all reasonable steps to attend the meeting of the Grievance Appeals Sub-Committee.
- 3.12. The procedure for the hearing of the appeal is set out in the Appendix.
- 3.13. You will be informed in writing of the final decision of the Grievance Appeals Sub-Committee as soon as possible and in any event within 10 working days.
- 3.14. The decision of the Grievance Appeals Sub-Committee is final.

## **4. CHIEF OFFICERS' AND CHIEF EXECUTIVE'S GRIEVANCES**

- 4.1. If a Chief Officer has a grievance, the provisions of paragraphs 2 and 3 above will apply except that at the informal stage the Chief Officer should raise the matter with the Chief Executive.
- 4.2. If the grievance is not resolved at the informal stage, then under **Step 1 above**, the Chief Officer should write to the Head of Democratic & Members' Services and ask for their grievance to be referred to the Senior Officers' Employment Sub-Committee.
- 4.3. Under Step 2 above, the Senior Officers' Employment Sub-Committee will respond in writing as soon as possible, inviting the Chief Officer to a meeting to discuss the grievance and informing him/her of the right to be accompanied.
- 4.4. If following Step 2 the Chief Officer is unhappy with the decision and wishes to appeal, he/she may refer the matter to the Grievance Appeals Sub-Committee as provided for under **Step 3** above.
- 4.5. The decision of the Grievance Appeals Sub-Committee is final.
- 4.6. In the case of the Chief Executive he/she should write to the Head of Democratic & Members' Services and ask for his/her grievance to be referred to the Senior Officers Employment Sub-Committee (as in **Steps 1 and 2** for Chief Officers) and thereafter, if the grievance is not resolved to his/her satisfaction, to the Grievance Appeals Sub-Committee as provided for under **Step 3** above.

## **5. MODIFIED PROCEDURE FOR STAFF WHO HAVE LEFT EMPLOYMENT**

- 5.1. If you have left employment with the County Council and the procedure in paragraph 3 has not been commenced or completed, a modified procedure may apply but you must first give your agreement in writing. The modified procedure differs in that the grievance is considered without holding a Step 2 meeting and Step 3 will not apply as there is no right of appeal. The modified procedure may apply where it would be unreasonable to oblige the parties to follow the standard procedure, including attending meetings.
- 5.2. If you wish to raise a grievance after leaving employment, you should write to your former Chief Officer setting out your grievance and the basis for it as soon as possible after leaving. Your former Chief Officer will contact you to clarify whether the standard or modified procedure will be used.
- 5.3. Where the modified procedure is used, your former Chief Officer will consider the matter and write back setting out his/her response.

## **6. EXCEPTIONS**

- 6.1. The Grievance Procedure will not apply to:
- Issues relating to statutory deductions from pay such as income tax and national insurance
  - Issues which should be addressed through other specified procedures such as those relating to pensions, job evaluations, and dismissals.
- 6.2. Subject to clause 6.3 below, the Grievance Procedure will not apply where the grievance is that:
- 6.2.1. the County Council has dismissed or is contemplating dismissing you; or
- 6.2.2. the County Council has taken or is contemplating taking disciplinary action short of dismissal (other than the issuance of warnings), which the County Council asserts to be based wholly or mainly on your conduct or capability.
- 6.3. Clause 6.2 above will not apply if your grievance is either:
- (i) that the dismissal or disciplinary action is or would be unlawfully discriminatory; or
- (ii) that the dismissal or disciplinary action is being contemplated or taken for reasons other than those asserted by the County Council.

In the case of a grievance that meets the criteria of sub-paragraphs (i) and (ii) above, you must set out the details of the grievance and the basis for it by writing to your Chief Officer before the date of the appeal hearing under the appropriate dismissal or disciplinary procedure. The grievance will then be considered as part of that appeal hearing.

**Appendix - Procedure for the Hearing of Grievance Appeals**

1. When the members of the Sub-Committee are ready, the Chairman of the Grievance Appeals Sub-Committee will call in all the parties.
2. The Chairman of the Grievance Appeals Sub-Committee will introduce him/herself and the other members of the Sub-Committee.
3. The Chairman will state that:
  - (i) the function of the Sub-Committee is to hear grievance appeals by members or former members of staff;
  - (ii) the appeal will be by way of a full re-hearing of the evidence.
4. The Chairman will ask who presents the case for the appellant and how many witnesses will be called.
5. The Chairman will ask who presents the case for the County Council and how many witnesses will be called.
6. The procedure to be followed is thus:
  - (i) The appellant or his/her representative will put his/her case in the presence of the local authority's representative and may call witnesses.
  - (ii) The local authority's representative will have the opportunity to ask questions of the appellant and/or his/her representative and any witnesses called on the evidence given.
  - (iii) The Sub-Committee may ask questions of the appellant and/or his/her representative and witnesses.
  - (iv) The local authority's representative shall put the case in the presence of the appellant and his/her representative and may call witnesses.
  - (v) The appellant and/or his/her representative will have the opportunity to ask questions of the local authority's representative on the evidence given and any witnesses called.
  - (vi) The Sub-Committee may ask questions of the local authority's representative and witnesses.
  - (vii) The appellant and/or his/her representative and the local authority's representative shall have the opportunity to sum up their case if they so wish.
  - (viii) The appellant and his/her representative and the local authority's representative will withdraw.
  - (ix) The Sub-Committee, with the officer appointed as Clerk to the Sub-Committee, will deliberate in private. The Sub-Committee may recall the parties and any witnesses to clear points of uncertainty on evidence already given. If recall is necessary, both parties will return, notwithstanding only one is concerned with the point giving rise to doubt.
  - (x) The Sub-Committee may announce its decision to the parties after the hearing or may inform the parties that a written decision will follow. The decision will be notified in writing, whether given verbally or not, as soon as reasonably practicable but in any event within ten working days.