

Grievance Policy

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1.0 Policy Statement

- 1.1 The City of Wolverhampton Council (the Council) is committed to treating all employees fairly and with respect. Bullying, harassment, discrimination and victimisation are unlawful and will not be tolerated at any level.
- 1.2 This procedure provides a framework to be used by employees to raise concerns, and managers when seeking to work with employees to address and resolve concerns. It aims to ensure that any grievance raised is dealt with in a consistent, prompt and supportive manner; it has been developed with due regard to the Equality Act 2010 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.3 This policy and procedure underpins the Dignity at Work Policy Statement for all employees of the Council, and is to be used to manage allegations in connection with that policy on a formal basis, unless the circumstances are such that allegations have been referred straight to be addressed under the Council's disciplinary procedures.

2.0 Scope

- 2.1 This policy and procedure applies to all employees of the Council and shall be followed in respect of all grievances of individual employees, including senior management. It excludes NJC employees and Teachers employed by Governing Bodies who are covered by Schools HR Policies. Policies adopted by the Council may, following discussion with relevant trade unions also be recommended as good practice models for adoption by maintained school governing bodies.
- 2.2 Grievances may be concerned with a wide range of employment issues, including but not exhaustive; terms and conditions of employment, health and safety, work relations, new working practices, the working environment, organisational change, bullying and harassment or discrimination.

3.0 Exclusions

- 3.1 Issues which are excluded from being dealt with under the Grievance Policy are:
 - matters dealt with under this policy during the preceding twelve months
 - salary gradings and differentials
 - matters connected with performance management or conduct
 - matters that are already covered by another policy, unless it is deemed discriminatory
 - matters over which the employer has no control
 - issues which are the subject of collective negotiation or consultation with the employer and the trade union
 - if an employee wishes to make a complaint about disciplinary action taken against them, this will not be dealt with as a grievance but as an appeal under the disciplinary procedure.

- 3.2 If an ex-employee wishes to raise a grievance (within 3 months of the incident) they must indicate in writing that this is the case. Concerns raised through an exit interview / questionnaire will not automatically be considered as a formal grievance for the purposes of this policy.
- 3.3 There is no automatic right to a meeting in respect of a grievance raised by an ex-employee all responses will be in writing only.
- 3.4 Where an employee has concerns in respect of something that they may have witnessed at work, which does not amount to an individual grievance that is within the scope of this policy to address, it may be appropriate for them to consider raising their concerns under the Council's Whistleblowing Policy and Procedure.

4.0 Principles

- 4.1 In the first instance employees should seek to resolve any concerns informally and without delay. A formal grievance should only be raised where attempts to resolve a complaint informally have been unsuccessful.
- 4.2 Supporting and resourcing mediation should be encouraged to achieve an informal resolution.
- 4.3 Employees must lodge their grievance within 3 months of the incident taking place, though employees are encouraged to raise their grievance immediately as those that are not raised timely may prevent a satisfactory resolution and may limit the scope of action which could be taken under an investigation. Only in exceptional circumstances will a grievance be accepted after this period. This decision will be made by Directors.
- 4.4 The formal procedure will only commence when the employee can evidence that attempts to resolve the issue informally have been exhausted, and the complaint remains unresolved.
- 4.5 Employees who wish to raise a formal grievance must complete the grievance form which asks the reasons for their grievance and the resolution they are seeking. Grievances cannot proceed to be considered under this procedure unless the grounds for the grievance and the resolution being sought are clear.
- 4.6 Aggrieved employees and those responsible for managing the process set out in this policy must ensure that there are no unreasonable delays. The timescales in the policy will be adhered to and only extended in exceptional circumstances, or in line with the requirements of any investigation taking place. In this event the employee will be notified in writing of any unavoidable delays and the revised timescales that will apply.
- 4.7 The concerns raised by the aggrieved will be shared at the earliest opportunity with all parties involved for the purpose of ensuring open and transparent communication.

- 4.8 Employees and the Council must observe their duties and responsibilities in respect of confidentiality at each stage of this policy. Throughout the process all employees will treat each other with dignity and respect and will act in accordance with the Council's Dignity at Work Policy Statement.
- 4.9 Employees who in good faith raise a grievance will be protected from victimisation.
- 4.10 Where an employee who is subject to other proceedings such as; management of attendance, disciplinary, capability etc., raises a grievance the grievance procedure will run concurrently. It will only be in exceptional circumstances that the procedure will be suspended in favour of the grievance procedure.
- 4.11 If an employee is found to have raised a malicious or vexatious grievance or gives evidence that they know to be untrue, this will be considered a matter of conduct which will be managed in accordance with the Council's disciplinary procedure.

5.0 Reasonable Adjustments

- 5.1 If any aspect of the Grievance policy causes an employee difficulty on account of a disability or if assistance is required because English is not their first language, please contact Human Resources, who will make appropriate arrangements.
- 5.2 A range of support can be accessed by all employees who are involved in the grievance process such the Employee Assistance Programme (EAP). EAP provides information, services and practical advice on a wide range of issues, it is a confidential independent service. It can be accessed 24 hours a day by calling 0800 174 319 or 0808 168 2143. If you have further questions [click here](#). Click here to log in to [Care First](#)

6.0 Safe Space

- 6.1 If an employee feels unable to report their concerns using the grievance procedure, they can choose to utilise our safe space option – SeeHearSpeakUp. This is an independent reporting service who will act impartially to any concerns raised that may contravene our policies and procedures.
- 6.2 Employees can choose to supply SeeHearSpeakUp with their contact details or they can choose to remain anonymous. Unless requested otherwise, all data provided including name and contact details, will be passed to trained senior managers at the Council who will consider appropriate action using the Councils procedures.
- 6.3 This reporting mechanism does not replace the grievance process.
- 6.4 Information about SeeHearSpeakUp can be accessed [here](#).

6.5 The designated senior manager(s) will provide governance and assurance on all safe space matters disclosed with a view to safeguarding, consistency, equality and fairness.

7.0 Process

7.1 Informal grievance

7.2 Employees should seek to resolve any concerns informally and without delay. If this is not possible due to the nature of the grievance or failure to resolve the situation, the employee should discuss matters with their immediate line manager who will seek to resolve the concerns raised. If the grievance concerns the employee's line manager further advice can be sought from HR Advice.

7.3 An employee does not have the right to be represented due to the informality of the stage. However, an employee can receive support, in the respect of a work colleague/ recognized trade union representative accompanying them to any meeting without speaking on their behalf.

7.4 Decisions will be communicated in writing and where appropriate set out what action the employer intends to take and what actions the employee should take to resolve the grievance.

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

7.6 Formal grievance

7.7 If the aggrieved employee feels the informal stage has not resolved the matter then following the outcome of the informal process the aggrieved employee must submit a ['grievance form'](#) to proceed to the formal grievance stage. This must include their required resolution.

7.8 Receipt of the formal grievance will be acknowledged within 10 working days of submission.

7.9 On receipt of the grievance form a Human Resources Advisor will make contact with the relevant manager to assess whether the informal stage has been completed and agree what the next steps will be whilst completing the Terms of Reference document.

7.10 Once the terms of reference are agreed for the investigation an Investigating Officer will start the investigation.

7.11 The employee has the right to be accompanied by a work colleague or recognized trade union representative and should be given at least 5 working days' notice of the meeting. If arrangements can be mutually agreed for the

meeting to take place within a shorter timescale the meeting should proceed without delay. Where an employee's trade union representative or work colleague is unavailable on the day scheduled for the meeting it will be rescheduled, providing that the employee proposes an alternative time within 5 working days of the scheduled date.

- 7.12 If an employee fails to attend a meeting, the meeting will be rescheduled only once. The employee will be required to provide valid reasons for non-attendance and confirm whether they wish for the investigation to continue. If the employee is still unable to attend a rescheduled meeting a decision will be made on the information available at the time, with guidance from Human Resources Advice.
- 7.13 The purpose of the meeting will be to gather facts. Depending upon the nature and complexity of the case there are many potential outcomes that may result from the meeting. These may include:
- the grievance being upheld, rejected or a compromise agreed
 - an adjournment to enable a full investigation to take place and any witnesses to be interviewed
 - an adjournment to enable the individual/s of the grievance to be invited to join a reconvened meeting
 - a decision that the matter should be referred to be managed in accordance with the Council's Disciplinary procedure
 - a decision that mediation will be explored as a way forward.
- 7.14 The employee will receive written confirmation of the meeting notes within 5 working days and will be advised of the applicable timescales for the actions agreed.
- 7.15 Where a grievance is made in relation to another City of Wolverhampton Council employee, a Human Resources Advisor will make contact with that employee and confirm in writing that a grievance has been received and that an Investigating Officer will invite them to a fact finding meeting to gather more information and give them an opportunity to respond. The Director/nominee will provide the employee with a brief summary of the nature of the grievance. A Human Resources Officer will also be identified as the designated officer to support the employee.
- 7.16 The Investigating Officer will commence the investigation into the matters raised. This includes meeting with identified individuals and collating any necessary documents referred to in the meeting.
- 7.17 Investigations will normally be completed within 3 months of the initial meeting with the aggrieved employee, however, where this is not possible due to the nature of the case or delays beyond the Council's control, all parties will be notified in writing of the reasons for the delay and the revised anticipated timescale.
- 7.18 The Investigating Officer will compile a report containing a summary of their findings and submit it to a diverse grievance review panel of three (gender and

race diverse as a minimum criterion) to review and for them to decide on the outcome. The review panel will have completed unconscious bias training and signed a confidentiality agreement. Further guidance on this process is included in the supporting Managers' Guidance Notes.

- 7.19 An outcome meeting will be conducted by the Chair of the review panel and a Human Resources Advisor.
- 7.20 Following the outcome meeting the employee will be informed in writing of the outcome within 5 working days.
- 7.21 If an employee is dissatisfied with the outcome, they have the right to appeal.

7.22 Appeal

- 7.23 Where an employee wishes to appeal against the outcome of the formal grievance they should do so in writing to their Director. The employee should clearly state the grounds of the appeal i.e. the basis on which they believe the outcome of the grievance to be wrong or the action taken as being inappropriate and the resolution that they are still seeking. This should be done within 5 working days of the employee's receipt of the written notification of the outcome of the formal grievance.
- 7.24 If the nature of the appeal is unclear or insufficient information is provided, clarification will be sought before the Appeal Panel takes place.
- 7.25 The procedure to be followed at the Appeal Panel is set out in the Human Resources Appeals Panel Notes of Guidance.

8.0 Roles and responsibilities

8.1 Employees are required to:

- provide full details of their grievance in writing ([grievance form](#))
- co-operate and be willing to resolve their grievance informally at the earliest opportunity
- where the grievance cannot be resolved informally clearly state the grounds of their formal grievance including the outcome they are seeking
- have the right to be accompanied to a formal grievance meeting by a trade union representative or work colleague
- follow this policy
- not to knowingly take out a malicious or vexatious grievance against another employee (including agency workers), manager or contractor working for the Council.

8.2 Managers are required to:

- be aware of their responsibilities under this policy and seek to resolve any grievances informally

- appoint an Independent Investigating Officer where the matter cannot be resolved informally
- agree terms of reference with the Human Resources Advisor

8.3 Independent Investigating Officers are required to:

- arrange the initial meeting with the aggrieved employee in line with the timescales specified in this policy
- undertake an investigation including interviewing relevant witnesses
- Inform employees/witnesses that they have a right to be represented/accompanied at grievance meetings by either a trade union representative or work colleague
- complete a report for a diverse grievance review panel of three.

8.4 Human Resources Advice are required to:

- provide advice and support to enable the effective handling of grievances
- provide support and guidance to managers, external Investigating Officers and employees throughout the stages of this policy
- ensure the manager of the aggrieved has scoped the terms of reference for the Investigating Officer
- ensure communication with all parties
- support Investigating Officer
- assess compliance and effectiveness of this policy
- monitor and review the delivery and impact of the Grievance policy
- support the diverse grievance management group/grievance review panel to review the report
- support the Chair of the grievance review panel to feedback to all relevant parties.

8.5 The Deputy Director of People and Change is required to:

- In consultation with the recognised Trade Unions, exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be approved by an Individual Executive Decision Notice (IEDN).

8.6 Trade Unions are required to:

- work in consultation with HR Advice on any review and revisions of this policy
- represent trade union members, if required.

9.0 Confidentiality

9.1 Confidentiality should be maintained throughout the grievance process, and all parties involved in the grievance process should adhere to this principle.

10.0 Monitoring and review

10.1 This policy will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and or any changes to legislation.

11.0 Links to other policies and procedures

- Disciplinary Policy and procedures
- Equal Opportunities Policy
- Dignity at Work Policy Statement
- Whistleblowing Policy and procedures.

12.0 Equality and Diversity

12.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12.2 In developing this policy we have undertaken an Equality Analysis the results of which indicate that it is lawful to proceed in the way described by this policy. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.