

GRIEVANCE POLICY

How to Guidance for Managers

INTRODUCTION

Warwickshire County Council's *Policy* outlines our approach and procedure for dealing with workplace grievances. It is critical that each manager understands our approach, our statutory obligations, the Grievance Policy, this guidance and support mechanisms in place.

This comprehensive guide acts as an easy to follow and clear 'how to' for individuals who wish to raise a grievance and for all managers handling these matters by drawing together information, advice, key learning and practical step by step instructions, enabling them to confidently and effectively resolve grievances in a fair, consistent and timely way.

The principles which underpin our policy apply to all our employees. We do however recognise that some terms and conditions of employment may differ dependent on the area in which people work (e.g. Schools and Fire and Rescue) and there are specific policies and procedures which apply in these areas.

A grievance can be challenging for everyone involved. We therefore want to ensure everyone involved in a grievance matter feels comfortable that they understand what is involved and appreciates it should be dealt with in as prompt and effective manner as possible.

Why have a Grievance Policy?

By law employers must set out a grievance procedure and share it in writing with all their employees.

It must, as a minimum, follow the **ACAS Code of Practice on Disciplinary and Grievance procedures** which employment tribunals are legally required to take account of when considering if fair and reasonable work practices have been followed.

It is not just a legal matter though!

If a person reaches the stage of wishing to raise a grievance, it's likely that the issue is affecting their performance in the workplace. They may be dis-engaged, de-motivated and it can lead to reduced productivity, low morale, poor self-esteem, higher absence and staff turnover and have a huge impact on people's wellbeing.

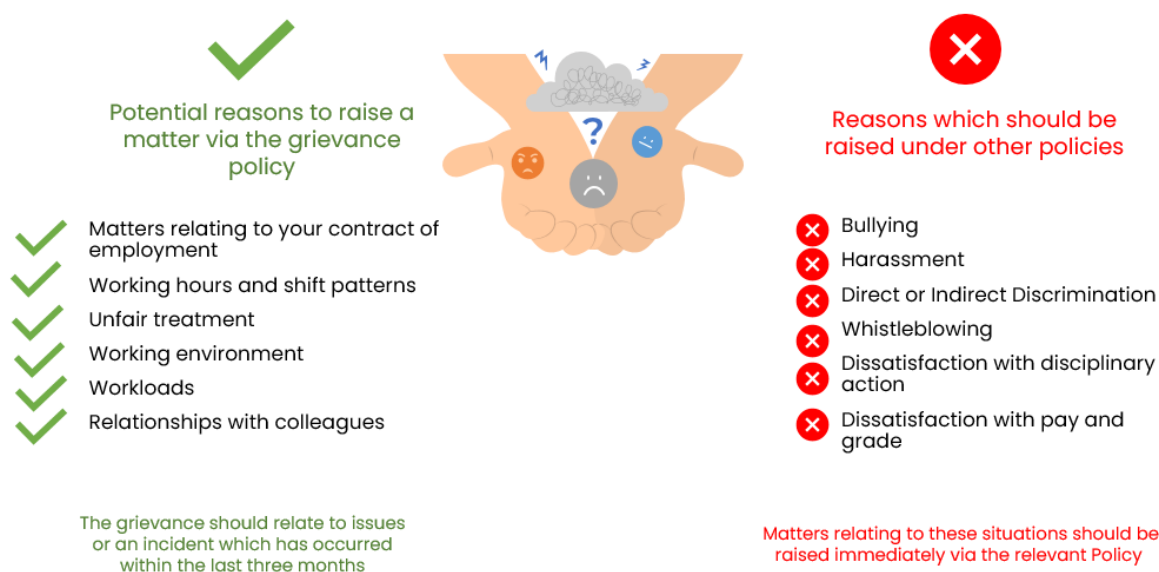
Having a written Policy and clear easy to follow procedures ensures people understand their right to raise a grievance and the Council's commitment to hear and resolve it.

What is a grievance, why might one be raised and who should it be raised with?

Every employee has the right to raise a grievance at any time.

A grievance is usually raised because someone has a concern, problem or complaint regarding their work or people they work with. It is important that they are clear on the reason for their grievance and invoke the appropriate policy to resolve it.

The visual below provides examples of the potential reasons why a grievance might be raised and the timescales this should be done within. It also details matters which are of an immediate serious concern and should be raised using alternative policies. Details of these can be found via the HR intranet pages.



When someone raises a formal grievance in writing they should be clear about the specific incident/s or issues they are concerned with. They should provide clear examples of relevant facts, dates, times, names of any individuals involved (if relevant), paperwork, conversations etc and details of informal steps taken to resolve the matters. They should also direct their correspondence to their line manager. If, however, the grievance relates to decisions made by their line manager, then the grievance should be escalated to the next level of management (i.e. the line manager's manager.) It should be made clear to the individual raising the grievance that aspects of their grievance letter may be shared with individual's named within the grievance in order that they may respond to issues raised.

Managing the Grievance process



Read, understand and respect our Grievance Policy

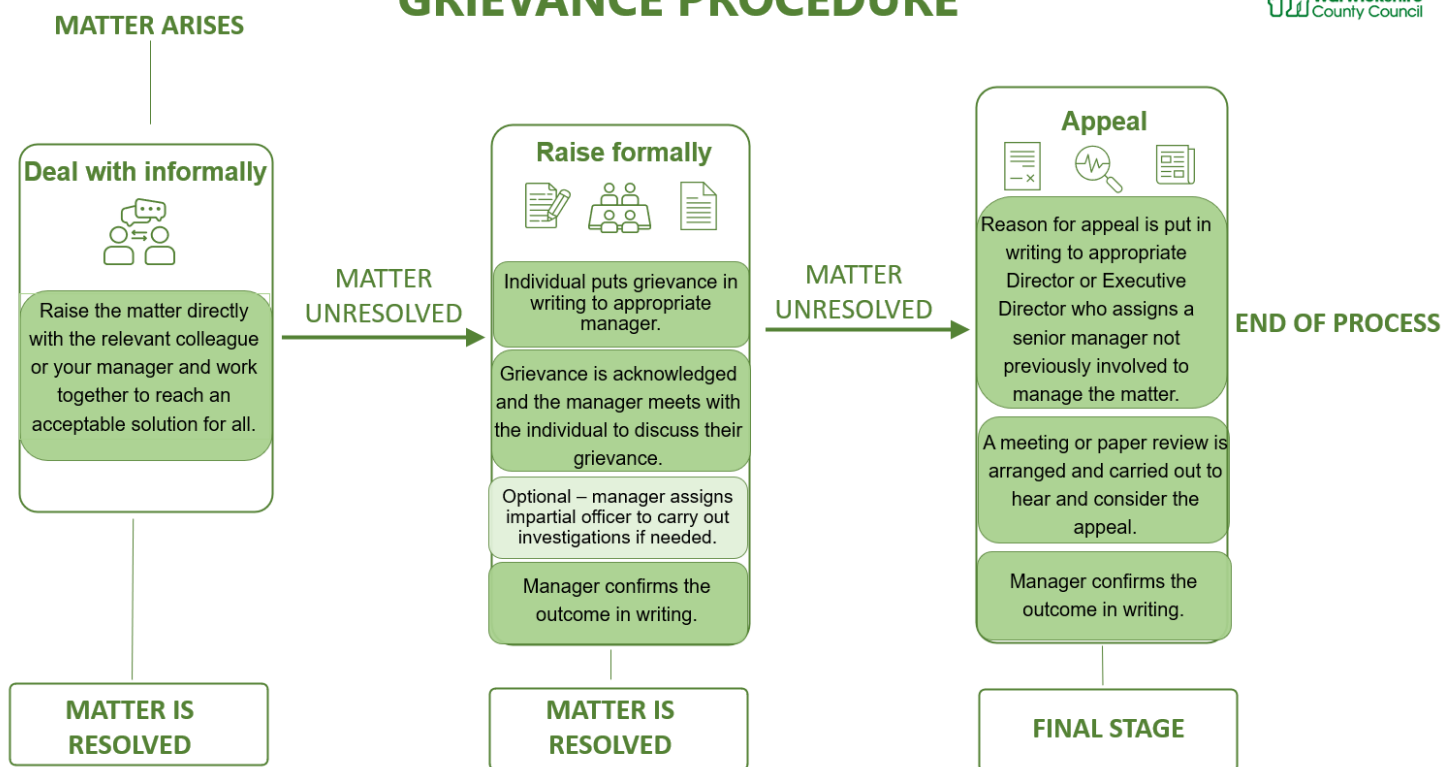
The Council’s approach to handling grievances is expressed in our Grievance Policy. Through it we have aimed to ensure that we adopt a fair, consistent, equitable and inclusive approach to supporting our people who wish to raise matters of concern to the Council.

It is therefore imperative that you read, understand, respect and comply with this Policy and its related procedure before, during and after attempting to invoke or manage any situation of this nature.

The Policy provides the detail of the principles which underly it, the procedure to follow including each step within it and when to apply it.



GRIEVANCE PROCEDURE





Give time and attention to dealing with it informally.

Many problems can be raised and settled during the course of everyday working relationships by talking it through.

You should listen to what a person's concerns are, taking time to hear what they have to say and asking questions to try and understand what is at the root of their dissatisfaction. If you, or the Council, has been at fault then try not to be defensive or take it personally but acknowledge it and seek positive ways to move forward.

The individual may have their own solutions to try or be unclear as to what they want the outcome to be. So, explore with them what is it that they think the Council should do to put things right for them?

In some situations this may not be straight forward. They may have felt personally mistreated by some action or decision taken – and reversing that action or decision may not be feasible. In talking to them it may help to manage their expectations as to what can and cannot be achieved.

Try exploring beyond the presenting issue. Is there something more deep-rooted that is causing them upset and dissatisfaction? Working relationships may be the root cause so you may want to consider using **mediation** at any stage in the process as an alternative.

Further information is available via your HR Advisor.



Manage grievances in a timely manner.

The bringing of a grievance needs dealing with in a sensitive and thoughtful manner, and it should always be remembered that it is about ensuring all our people in the workplace understand the expected behaviours towards each other and our customers.

It is therefore important that the procedures are managed in a timely way ensuring there are no unreasonable delays. This means responding to any original grievance letter, holding any exploring meetings, arranging any investigation needed, diarising meetings, corresponding with all parties, and committing the appropriate time and energies into resolving the matter promptly and within the timescales indicated.



Ensure that you give yourself and all parties reasonable preparation time for every stage of the procedure, and that every effort is made by all to attend all necessary meetings.

In all cases you should deal with a formal grievance at the earliest opportunity, within an expected period of 28 working days from receipt of the original grievance letter.

Where alternative timescales are needed due to, for example, delays in co-ordinating meeting dates, conducting further investigations, liaising with all parties or finalising outcomes, it is your responsibility to ensure that all parties are kept informed of any delay or change in timescales, and of the likely date of a decision.



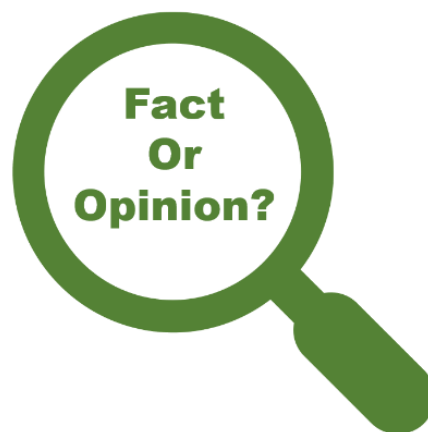
Take care to understand the matter fully.

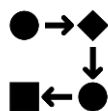
If a formal grievance has been received in writing it is important that you understand the key facts relating to the matter. You should meet with the individual to explore details further and identify if you need more information. (Please see Managing the Formal Process for guidance on meeting with the individual raising the grievance).

If an investigation is required, an independent manager can be asked, to act as an impartial officer to carry out the investigation, gather witness statements and meet with the individual to ascertain the facts and get to the root of the issue.

The Investigating Officer should ensure anyone participating in the process has reasonable notice to prepare for a meeting as part of the investigation. A note-taker may be present. Whilst there is no statutory right for the person raising the grievance to have a colleague or trade union representative accompany them to an investigation meeting, we would advise they are permitted to do so. Other individuals interviewed are not normally expected to have a companion supporting them and however this can be considered in appropriate circumstances.

The Investigating Officer should complete a report of their findings and present this back to the manager who has commissioned the investigation. The individual raising the grievance does not automatically have a right to read either witness statements or the investigation report and any decision to share this information must take into account confidentiality and third party data. Please discuss any decision to share information with the HR Advisory service before it is shared.





Managing the formal process

It is important that a grievance meeting is conducted properly ensuring that statutory rights and Council procedures are adhered to.

There is no set structure as to how a grievance meeting should be conducted but as guidance, we would recommend the following steps:

- Introduce everyone in the room, ensuring everyone understands their role. If the individual raising the grievance has no companion present, reiterate their entitlement to have one and whether they are happy to proceed with the meeting.
- State the purpose of the meeting is to hear the person's grievance following receipt of a formal grievance in writing.
- If the individual is accompanied, explain that their companion may make representations on the individual's behalf and ask questions, but should not answer questions for them. Also explain that the individual may talk privately with the person accompanying them at any time during the meeting.
- Invite the individual to set out their grievance.
- Take time to explore the matter, adopting good questioning techniques as detailed below.
- Summarise your understanding of the matter ensuring the individual has had every opportunity to fully raise their concerns.
- Provide an opportunity for their questions and any further discussions required ensuring all those present have a clear understanding of what is happening.
- Explain the next steps of the procedure confirming when and how you will communicate the outcome.
- Close the meeting after all discussion has been completed.
- Ensure a written record of the discussion has been taken which summarises the nature of the grievance.
- Notify the employee of the decision in writing. You should aim to do this within 28 working days from receipt of the original grievance letter, unless this is not achievable due to investigations or unexpected circumstances.

- Inform them of their right to appeal against this decision and the appeals process. Be clear of reason(s) which would constitute a valid appeal; why and how an appeal would be considered and who the appeal should be directed to.

What is the role of a companion?

A person raising a grievance has the statutory (legal) right to be accompanied to a formal grievance meeting by a work colleague or trade union representative.

It is the individual's role to organise for their companion to be present. If a chosen companion is unable attend on the specified date, a request to postpone can be made (for up to 5 working days of the original date) and a reasonable alternative time should be set.

Companions can be a source of great support for an individual and often enable someone to feel more at ease in this situation. They can ask questions to clarify understanding **and make representations** but cannot answer on behalf of the person who has raised the grievance. Nor **can they** prevent anyone from explaining their views.



What does 'adjourn' a meeting mean?

During the course of a grievance meeting, you may feel you need to discuss the matter outside with others not directly involved in the meeting. If this is the case you should explain why, with whom and when this will be done.

An adjournment may be a short break on the day, for example, to allow parties to consider a particular matter, or it may be a longer adjournment to enable time and opportunity to further investigate additional claims for example.

There is no set time for an adjournment so always be clear on how long you believe this will take, and when you will resume the meeting.

You should remind all parties involved of the need for continued confidentiality during any adjournment.

When you resume the meeting after a longer adjournment, ensure you reiterate their rights to be accompanied, make clear this is a resumption of the meeting and explain the reason and outcome of the adjournment period.



Use good questioning techniques.

Preparing questions you want to ask can ensure you gain as full an understanding of someone's grievance as possible.

Using open, enquiry-led questions, being empathetic and showing patience should enable an individual to feel more able to share, explain clearly and express their feelings beyond providing only the facts.

Good questions to ask

- ✓ What is the nature of your grievance?
- ✓ What specific examples can you give me?
- ✓ What exactly has happened?
- ✓ Where and when has this taken place?
- ✓ Who else was present at the time?
- ✓ How did you react?
- ✓ Have you discussed the incident(s) with anyone?
- ✓ Who have you been getting support from?
- ✓ What else would you like to raise?
- ✓ What would you like to see change?
- ✓ What don't you want to happen?
- ✓ What is the ideal solution for you?
- ✓ How would you like that to happen?
- ✓ Is there any further support you need whilst I consider the best outcome to this?



Remember!

Ensure you listen fully to the answers to questions and enable the person's concerns to be heard.



Value the role of your HR Advisor.

We recognise that the grievance procedure can be challenging for all of those concerned. That's why the involvement and guidance from a HR Advisor can be invaluable to advise managers on how to handle the grievance and provide objective advice on the process, on their considerations, ensuring they understand procedures, how to conduct meetings appropriately, and within a reasonable timescale.

It is not the role of HR to make decisions on outcomes but to support with advice. They may attend meetings in a supporting role however, as noted above, it is important that they do not directly influence the decisions but provide expert advice and guidance to ensure managers are able to reach the most fair, appropriate and reasonable decisions. Whilst they may have a role to play to assist with the structure and preparation of outcome letters, the final letter must reflect the thought processes, conclusions and decisions of the manager.



Understand the purpose and role of appeals.

All our people have a right to appeal against the outcome of a grievance and you should not feel defensive or challenged if they pursue this route.

If an individual does decide to appeal, they must state the grounds for the appeal and submit it to the appropriate Director or Executive Director, within 14 days of receipt of the letter confirming the outcome of the formal grievance.

However, it is important to note that an appeal is not a 're-run' of the original hearing - instead, its purpose is to consider specific areas of the original grievance that the individual feels were either procedurally inaccurate or unfair, or to provide an opportunity to raise evidence that was not available or presented at the time.

Grounds for an appeal must therefore raise issues which meet at least one of the criteria below:

- That the original grievance process potentially did not follow relevant Council procedures;
or
- That the grievance decision was 'perverse' in that the manager made a judgement which on the facts of the case was irrational or wholly unfair;
or
- There is new evidence which has come to light or was not considered in the original grievance process and which, had it been available, may have influenced the outcome.

An appeal meeting should be conducted by a senior manager who has not previously been involved in the matter. They will be supplied with all relevant correspondence. The appeal may be completed as a paper exercise where appropriate and the individual raising the appeal agrees.

Further investigation may be carried out either before the appeal meeting, or during an adjournment to the appeal meeting, if the manager dealing with the appeal considers this is needed.

The individual has the right to be accompanied by a colleague or trade union representative to an appeal meeting. The manager who dealt with the formal grievance may also be asked to attend, to present their decision and respond to the appeal. All parties will be given the opportunity to ask questions.

There is no set structure as to how a grievance appeal meeting should be conducted but the following steps may be followed:

- Introduce everyone in the room, ensuring everyone understands their role. If the individual raising the grievance has no companion present, reiterate their entitlement to have one and whether they are happy to proceed with the meeting.
- State the purpose of the meeting is to hear the person's appeal to the original grievance decision.

- If the individual is accompanied, explain that their companion may make representations on the individual's behalf and ask questions, but should not answer questions for them. Also explain that the individual may talk privately with the person accompanying them at any time during the meeting.
- Invite the individual to set out their grounds for appeal.
- If present, invite the manager who dealt with the formal stage to respond.
- Take time to explore the matter, adopting good questioning techniques as detailed below.
- Summarise your understanding of the matter ensuring the individual has had every opportunity to fully raise their concerns.
- Provide an opportunity for their questions and any further discussions required ensuring all those present have a clear understanding of what is happening.
- Adjournment if needed so the appeal manager can consider the facts and the outcome.
- Explain the next steps and when and how the decision will be communicated.
- Close the meeting.
- Ensure a written record of the discussion has been taken.

After the appeal has been considered or heard the individual should be written to confirming the outcome and informing them that the final stage of this procedure has now been exhausted and the matter has been closed.

Useful Links

Grievance Procedure intranet page supporting documents including:

- Grievance Policy and Procedure
- Grievance Procedure Flowchart
- Grievance Template Letters

[Bullying and Harassment Policy and Procedure](#)

[Disciplinary Policy and Procedure](#)

[Staff Networks and Support](#)

[Whistleblowing Policy and Procedure](#)

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