



# Grievance Resolution Policy

## Grievance Resolution Policy - Version 8

### Contents

|                                    |   |
|------------------------------------|---|
| Purpose of the Policy.....         | 1 |
| Introduction.....                  | 2 |
| Scope of the Policy.....           | 2 |
| Mediation .....                    | 2 |
| Fairness and Respect .....         | 3 |
| Remote Proceedings .....           | 3 |
| Adjustments to Proceedings .....   | 3 |
| Recording of Meetings .....        | 3 |
| Raising an Informal Grievance..... | 3 |
| Raising a Formal Grievance.....    | 3 |
| Investigation .....                | 4 |
| Hearing your Grievance .....       | 4 |
| The Grievance Meeting .....        | 4 |
| The Outcome .....                  | 4 |
| Appeal .....                       | 5 |
| Appealing against the outcome..... | 5 |
| The Appeal Meeting .....           | 5 |
| The Appeal Outcome .....           | 5 |
| Data Protection .....              | 5 |
| Vexatious Grievances .....         | 6 |
| Roles & Responsibilities.....      | 6 |
| Colleague Support .....            | 7 |
| Version Control.....               | 8 |
| APPENDIX – Process Flow.....       | 9 |

### Purpose of the Policy

Wokingham Borough Council believes that all colleagues should be treated fairly, with respect and dignity.

We encourage all colleagues to work closely with their line management on all matters of concern at the earliest opportunity, to drive early resolutions for continued good working relations. In situations where matters cannot be resolved this way, formal grievances may be raised; these will be treated seriously and will be managed promptly, efficiently, and fairly.



# Grievance Resolution Policy

## Introduction

Wokingham Borough Council fosters a culture in which you can raise any workplace problems, complaints, or concerns in a supportive framework, and we will ensure that all genuine grievances are dealt with quickly and fairly.

Most grievances can be resolved informally. However, if an informal approach does not resolve matters, or is not appropriate, you may choose to raise a formal grievance.

This policy outlines the informal approach to resolving concerns, the formal grievance process, the roles of those involved and support that is available.

## Scope

This policy applies to employees. It does not apply to:

- The Chief Executive, S151 Officer & Monitoring Officer. These officers may raise a grievance to be managed in accordance with the Chief Executive Disciplinary, Capability and Grievance policy and procedure in place at that time.
- Agency workers. If you are an agency worker, you should contact your agency direct to discuss the appropriate procedure.
- Schools based colleagues for whom separate policies and procedures may apply.
- Contractors, consultants, or any self-employed individuals working for the Council, who should speak to their main point of contact in the council if they have any concerns.

Matters that are the subject of collective negotiation with trade unions will not be considered under the Grievance Resolution Policy.

This Policy is not intended to add another layer to decision making or to challenge decisions or actions taken under other Council Policies. To clarify further this policy will not apply where there is an alternative route, such as reviews or appeals, for concerns to be addressed. These include but are not limited to:

- Job Evaluation
- Recruitment Decisions
- Disciplinary, Sickness and Capability process outcomes
- Application of pension scheme rules
- Probation
- Redundancy following structure change consultation

If you raise a grievance during other proceedings that is unrelated to those proceedings, such as disciplinary proceedings, then that and the grievance procedure will normally run independently.

Concerns which are directly related to ongoing proceedings should be made as part of those proceedings.



# Grievance Resolution Policy

## Mediation

Depending on the nature of any concern you wish to resolve, we may suggest mediation as a means of trying to resolve it at any stage, e.g., before it is raised as a formal concern, or as a proposed resolution once a grievance process has been completed.

Mediation involves the appointment of a fully trained mediator or other party who could be internal to WBC, or independent from the council. The appointed mediator will work with you, and other parties involved, to find a way to work towards a positive outcome.

We will use mediation only where all parties involved agree to do so.

## Fairness and respect

We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.

We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our Disciplinary Policy & Procedure.

### Remote proceedings

We will conduct the process either in face-to-face meetings or remotely. We will ensure that you and your representative have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

### Adjustments to proceedings

If any aspect of the grievance procedure causes you difficulty because of a disability, or if you need assistance because English is not your first language, you should raise this with the manager handling the grievance and copy in Human Resources, for adjustments to be considered and reasonable adjustments made.

### Recording of meetings

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the Council to take notes.

You, or any person acting on your behalf, are not permitted to record electronically any meeting that we hold under the grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

## Raising an informal grievance

In the first instance, you should raise any grievance with your line manager. If your grievance is about your line manager, you should raise this with your line manager's manager.

The relevant manager will meet with you to give you the opportunity to explain your grievance and seek to identify whether the issue can be resolved informally.



# Grievance Resolution Policy

## Raising a formal grievance

Where your grievance has not been resolved informally, you may wish to raise the matter formally in writing.

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, the Council may ask you to clarify your complaint before further steps are taken.

Your complaint should be headed "Formal grievance" and sent to your line manager, completing, and attaching our **Formal Grievance Form**. If your complaint relates to your line manager, you should send your written grievance to your line manager's manager instead.

If you don't wish to put your formal grievance in writing, you should arrange a discussion with the appropriate manager, who will need to make a written record of the details of your concern.

Upon receipt of your grievance, the relevant manager may discuss with you the options for resolution moving forward, which may include going through the formal grievance process, or suggesting a different approach for you to consider, with a view to finding an early resolution, if this hasn't been discussed at an earlier informal stage.

If the matter is to proceed to a formal grievance process, the council will appoint the most relevant manager to hear it. Ordinarily this will be your line manager. This person is the grievance hearing manager (the hearing manager).

## Investigation

Your grievance will be kept confidential as far as possible.

However, either before or after a grievance meeting, the hearing manager will decide whether we need to carry out an investigation. This will usually be conducted by the hearing manager. The hearing manager may consider an alternative manager or external investigator, where it is deemed necessary. The hearing manager will write to you confirming that an investigation is being conducted and the timescale for completion.

The time an investigation will take will vary, depending on the nature of your grievance.

You may be given a copy of evidence collated during the investigation. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, we will provide you with an appropriate summary of the evidence.

## Hearing your grievance

### The Grievance Meeting

A grievance meeting date will be arranged as soon as possible after receiving your written complaint. You will be informed within 5 days of submitting your grievance the timescale within which the grievance meeting will be convened and whether any investigation is needed in advance of the meeting.

You will be entitled to be accompanied at a grievance meeting by a fellow employee or a trade union official. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting can be rescheduled for an alternative time so that it takes place within five working days of the original scheduled date. The Council will rearrange the meeting only once and will not unreasonably refuse an alternative date.



# Grievance Resolution Policy

The grievance meeting will be conducted by the hearing manager.

The purpose of the meeting is for you to explain the nature of your complaint and what action you feel should be taken to resolve the matter. If more information comes to light, it may be necessary to conduct an investigation (or a further investigation) into the matter and where necessary, a further grievance meeting might be set up.

If you are unable to attend the grievance meeting because of circumstances beyond your control, you should inform the hearing manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient effort to attend, the grievance meeting may take place in your absence, based on the information available at the time.

## The Outcome

Following the grievance meeting (or such timescale as advised), the hearing manager will inform you in writing, usually within five working days after the meeting, or longer in exceptional circumstances, of the outcome and any recommended action that will be taken as a result of your complaint. Outcomes can include:

- That your grievance is not upheld
- That your grievance is partially upheld, or
- That your grievance is fully upheld

The hearing manager may also decide if a grievance has been made vexatiously.

The hearing manager will confirm any recommended action, regardless of the outcome. Such action can include (but isn't limited to):

- That formal mediation is arranged between you and other parties involved in the matter
- That a disciplinary process is initiated involving other parties
- That other management action is considered which could resolve your concerns

It is important to note that where disciplinary action is proposed in relation to an employee involved in the matter, you do not have the right to find out the result of that action.

The hearing manager can make recommendations, even where the grievance is not upheld. The hearing manager is responsible for ensuring that the relevant parties involved in the grievance and their line manager receive confirmation of the outcome and any recommendations.

## Appeal

### Appealing against the outcome

If you are not satisfied with the outcome of your grievance, you may submit a formal appeal.

You must appeal in writing to the grievance hearing manager within five working days of receipt of the grievance outcome letter.

You must clearly state the grounds of your appeal, i.e., the basis on which you consider that your grievance has not been satisfactorily resolved. The appeal will not consider any additional or further evidence other than that presented at the original grievance hearing.



# Grievance Resolution Policy

## The Appeal Meeting

Within five working days of receiving your appeal, the Council will notify you of the date of the appeal meeting and the name of the appeal manager. Where this is not possible you will be notified of any delay.

You are entitled to be accompanied at the Appeal Meeting by a fellow employee or a trade union official. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting can be rescheduled for an alternative time within five working days of the original date. The Council will rearrange the meeting only once and will not unreasonably refuse an alternative date.

The appeal meeting will normally be conducted by a more senior manager than the manager who conducted the original grievance meeting, who will consider the grounds that you have put forward and review the conclusion reached in the original grievance meeting. A member of the HR department may also be present.

If you are unable to attend the appeal meeting, you should inform the appeal manager conducting the meeting as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the meeting may take place in your absence, based on the information available at the time.

The appeal manager may make further enquiries or investigations as a result of the matters raised at the appeal hearing.

## The Appeal Outcome

Following the appeal meeting, the appeal manager will inform you in writing, usually within five working days, of the outcome. If the outcome cannot be confirmed within five working days, you will be notified of the delay and given an estimated time when you can expect to receive the outcome. The outcome of the appeal is final.

## **When a grievance is raised against you**

If a grievance is raised against you, you will be notified of this, and your line manager will discuss any adjustments to work arrangements necessary while a resolution is sought. We understand that this can be a stressful and upsetting time. Your line manager will support you, keep you updated and will ask you to treat the allegation confidentiality. Your line manager will also provide you with information about other sources of support.

You may be asked to take part in informal resolutions, mediation or attend an investigation meeting to answer the allegations made against you. You will be given sufficient information to respond.

If you are invited to attend an investigation meeting as part of these proceedings, you will be given notice of this and will be advised of your right to be accompanied by either a workplace colleague or Trade Union Representative.

If a grievance against you is upheld or partially upheld, then your line manager will discuss with you how this will be handled. This may include initiating Disciplinary or Capability proceedings.

## **Vexatious Grievances**

The ability to raise and manage a genuine grievance through an informal and formal grievance process is important, to both protect and support all employees to work in an environment where they can expect to be treated fairly with dignity and respect. Wokingham Borough Council will not tolerate misuse of this policy.



# Grievance Resolution Policy

Where a grievance is raised and, after investigation, is found to have been made maliciously, or to deflect from other management processes, then this conduct may be followed up via the Disciplinary Policy and Procedure. This could result in action taken against the person making the false complaint, with possible sanctions up to and including dismissal. It is the Council's sole decision whether to pursue this or not.

## Ex- Employees

We encourage all employees to attempt to resolve any concerns during their employment. Where this has not been possible, former employees of the council may raise a grievance where this is lodged within four weeks of their final date of employment.

## Roles & Responsibilities

### Employees:

- Will focus on trying to resolve the grievance informally directly with the individual(s) concerned, unless there is a good reason not to.
- Wherever possible will work with the manager to genuinely seek early resolution.
- Will raise the matter without unreasonable delay.
- Co-operate at all stages of the formal grievance procedure.
- Provide evidence - keep records of the events leading up to the matter to resolve, this may include diary of events, what steps have been taken to mitigate the issue (i.e. – conversations, mediation).
- Act in good faith, not instigating any grievance for personal gain or malicious intent.
- Ensure confidentiality guidance within this policy is always complied with.

### Managers:

- Apply the policies and procedures in a fair, consistent, sensitive manner. Handling all grievances seriously, objectively and thoroughly to reach a successful resolution.
- Work in partnership with Human Resources to seek required advice on process and consistency
- Pro-actively work with and support employees, to resolve potential matters before they even arise.
- Seek to resolve matters informally, before they escalate to become formal grievances.
- Address all formal grievances promptly and within the given policy timescales. Ensuring strong communication around changes to timelines.
- Be responsive and support with regular well-being meetings for all employees involved in the process. Keeping both the employee raising the grievance and those facing allegations up-to-date regularly and frequently on progression and ensuring support is in place as appropriate.
- Support employees to ensure they do not suffer a detriment as a result of raising concerns under this policy.
- Where and as appropriate consider all reasonable adjustments that may be required throughout the process, working in partnership with Human Resources.
- Ensure confidentiality guidance within this policy is complied with at all times.
- To promote the benefits of the Employee Assistance Programme where appropriate





# Grievance Resolution Policy

## Human Resources:

- Coach management, providing impartial advice on the process, precedent and consistency of application.
- Ensure the HR Hub is up-to-date with Policies, by way of guidance for all employees on policy and process.
- Store copies of all letters and materials provided by management on employee files as appropriate.
- Attend Grievance Appeal Hearings where appropriate, in an advisory capacity.

## Trade Union / Employee Representative:

- Work with managers and employees to facilitate a quick and satisfactory resolution.
- Support employees who have raised the grievance and employees for whom the grievance concerns, advising them on possible remedies, as well as helping them to express the facts of their case.
- If the employee is not a union member, this role may be carried out by another colleague

## Colleague Support

All employees should expect to be supported by their line manager, or another manager where necessary, and have access to the Councils Employee Assistance Programme (EAP), this is an independent and confidential support service for colleagues across the Council, where support can be provided for a wide range of situations. Further details on support available for employees available on the intranet.

## Data protection

We process personal data collected during informal complaints and the formal grievance procedure in accordance with our data protection obligations. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

## Process Flow

Please see the appendix for the process flow diagram





# Grievance Resolution Policy

## Version Control

| Version                            | Date       | Description   |
|------------------------------------|------------|---|
| 1                                  | 14/11/07   | New combined Grievance, bullying and harassment policy and guidance.  |
| 2                                  | 02/07/08   | Amended to incorporate Delegated Powers related to Staffing Matters   |
| 3                                  | 28/10/09   | Amended to reflect new legislation  |
| 4                                  | 26/03/12   | Amended to include the appeals process and further employee guidance.   |
| 5                                  | 01/03/16   | Amended to provide additional templates & managers guide, include mediation, separate out Bullying & Harassment policy renamed Dignity at Work Policy and amend format to be clearer to understand  |
| 6                                  | 21/03/17   | Amended to include HR Representation at Appeal only   |
| 6.1                                | 30/04/18   | Reflect changes in DPA legislation through GDPR   |
| 7                                  | 07/12/18   | Clarification of process for bullying and harassment grievances   |
| 7.1                                | 27/12/18   | Removed Chief Exec, S151 & Monitoring Officer from these procedures   |
| 7.2                                | 31/10/2020 | Clarity on how leavers (former employees) may engage with the grievance process, and usage of virtual meetings  |
| 8                                  | TBC 2022   | New policy wording, template, and title to include 'Resolution'.<br>Clarified who the policy applies to, separate agency worker route.<br>Process simplified, focus on early resolution and informal action.<br>Clarity on investigations - who conducts and when.<br>Clarified contact is to be made in the 5-day timeframes for outcomes and arranging meetings.<br>Clarified external investigators can be considered.<br>Clarified recording of meetings is via notes only, audio not permitted.<br>Clarified internal or external mediators may be used.<br>New responsibility section added.<br>Revised process flow.<br>New section on miss-use of the policy added.<br>New section added 'Where a Grievance is raised against you'. |
| <b>Document Approvals</b>          |            |   |
| Author V8:                         |            | Gail Tulett, HR Business Partner<br>Andrée Cantale, Head of HR Business Partnering  |
| Director, Chief Executive Officer: |            | Susan Parsonage, Chief Executive Officer  |

