

Human Resources policy

Grievance

Human Resources / June 2016



Contents

1. Introduction	3
2. Policy Purpose	3
3. Related Policies & Employment Legislation	3
4. Our Responsibilities	3
4.1. Employees	3
4.2. Line Manager	4
4.3. Human Resources (HR)	4
4.4. Trade Unions (TU).....	4
5. Raising a Grievance	4
5.1. Formal Procedure.....	5
5.2. Right to be Accompanied	5
6. Appeals against the Formal Procedure	6
7. Mediation.....	6
8. Overlapping Grievance and Disciplinary, Conduct or Capability Cases	7
9. Collective Grievances.....	7
9.1. Appeals against collective grievance outcomes	7
10. Grievances Received after Employment has Ended	8
11. Grievances relating to Board Member(s).....	8
12. Records.....	9
13. Equality Impact Assessment	9
14. Changes to Policy	9

1. Introduction

At the Combined Authority, we acknowledge that you may, at some point during the course of your employment, have problems or concerns about your work, working conditions or relationships with colleagues that you wish to talk about with your line manager or Human Resources.

Our procedure closely follows the ACAS Code of Practice on Grievance Procedures.

This policy and procedure aims to provide individuals with a course of action should they have a complaint. It explains how concerns can be reported, detailing points of contact and timescales for a prompt and efficient resolution of conflict.

Dissatisfaction with a disciplinary decision can be notified via the Appeals procedure of our Discipline, Conduct & Capability Policy and Procedure.

For issues relating to bullying or harassment, see also our Anti-Bullying & Harassment Procedure.

2. Policy purpose

The purpose of this policy is to ensure that individuals are treated fairly, enabling them to work in a hostile-free environment which are important factors in the creation of a productive working environment. We believe that, where possible, we should all seek to resolve matters informally. This approach helps minor concerns to be resolved speedily without the need for recourse to formal action. It also limits disruption to work.

3. Related policies and employment legislation

We remain up to date and compliant with all current employment legislation.

4. Our responsibilities

4.1. Employees

If you have a serious concern with the Combined Authority or a colleague, your first course of action is to attempt to resolve the problem informally before taking out a formal grievance, by either approaching the individual or their line manager.

If it is not possible to resolve a grievance informally, you are encouraged to consider whether mediation might resolve the matter (see section 6).

Where you feel that attempts to raise the matter informally have not been successful, or the issue is sufficiently serious, you may consider raising the matter formally, in writing.

Where you wish to have a Trade Union representative or work colleague accompany you to meetings within the grievance process, please advise HR at the earliest opportunity. See section 4.2 for further details.

You are encouraged to be committed to participating fully with all stages of the procedure to achieve the best outcome.

4.2. Line manager

Line managers are encouraged to seek to informally resolve issues that arise to avoid the need for a formal grievance to be raised.

Where formal grievances are received, line managers will advise Human Resources and will seek to ensure delays to the process are avoided.

Line managers are the decision makers in this process and are committed to maintaining fairness and consistency of treatment; to ensure that all cases are investigated thoroughly; and to reach decisions which are fair and reasonable in all the circumstances.

4.3. Human Resources (HR)

HR will support the process of resolving informal and formal grievances as appropriate and will keep records.

Where a formal grievance is received, a HR representative will be present at meetings and hearings to give advice to the manager and take minutes. This advice may include the outcome of previous similar grievances to encourage consistency across the organisation. However, the decision remains that of the line manager.

Where it is identified that mediation is appropriate, HR will organise an independent mediator and will coordinate meetings.

4.4. Trade Unions (TU)

Trade Union representatives are able to support their members throughout the grievance process.

Where Trade Union representation has been requested, wherever possible the same representative will be involved throughout any procedure, as long as this remains the wish of the employee.

The nominated representative will work with the employee and with Line Management to ensure that the proceedings progress at a reasonable rate. This will take due regard to the availability of all parties and the time needed to obtain supportive documentation from any person, authority or organisation, where such information is of pertinence to the matters under consideration.

The work colleague or Trade Union representative can address the grievance hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. They may also question witnesses on behalf of the employee.

5. Raising a grievance

Grievances about situations and/ or colleagues can often be resolved informally with the commitment of line managers and the parties involved. In these circumstances, line managers will keep a record of these meetings.

If informal discussions are not successful, or if it is believed to be sufficiently serious, the formal grievance procedure may be used.

Formal grievances should be made in writing to line managers who will inform HR. Where the line manager forms part of the grievance subject, the employee can submit the grievance directly to HR.

5.1. Formal procedure

When submitting a formal grievance in writing, please include:

- The specific grounds of the grievance
- Possible solutions/remedies to their grievance to aid resolution
- The name(s) of any individuals the grievance is against

The manager in receipt of the grievance will contact HR who will arrange a hearing. Where possible, this will be within 5 working days of receipt of the grievance. The initial grievance hearing will take place with the employee, appropriate line manager a member of HR and the employee's chosen representative (if applicable, see section 4.2).

Where a work colleague is named as part of a grievance complaint, that individual will be advised of the grievance against them, given a copy of the original written grievance and advised of any resulting action, for example investigatory interviews. Due regard will be given to the implications of this upon the employee raising the grievance. line managers should seek HR advice as appropriate.

During the grievance process, other investigations may take place. Such investigations may include: speaking to employee(s) named as either the subject of, or a witness to, the grievance subject; or considering supporting information and data.

A further meeting will be arranged with the employee and their representative when the manager will explain their decision and any remedy resulting from it. This will be confirmed in writing and the employee will also be reminded of their right of appeal.

One outcome of a grievance hearing may be that our Disciplinary, Conduct & Capability Procedure is invoked. Similarly, it will be a disciplinary offence for anyone to victimise or retaliate against an employee for invoking any stage of the Grievance Procedure.

5.2. Right to be accompanied

Both employees raising a grievance and employees named as part of a grievance, have the right to representation by either a trade union representative or a colleague at every stage of the grievance procedure.

The right to be accompanied does not extend to non-employees, other than Trade Union representatives, e.g. family members (not employed by the Combined Authority) or solicitors.

6. Appeals against the formal procedure

Appeals against the outcome of a formal grievance should be submitted in writing, to the line manager who heard the grievance, within seven calendar days from the date of the letter containing the decision of the meeting.

Where an employee feels that they need more time in which to submit their appeal, they will contact the HR representative to arrange an extension to the above time limit.

The appeal hearing will be heard by a more senior manager and a different member of HR than heard the initial grievance hearing (as far as this is reasonably practical).

The employee and their representative will be invited to put forward their case, with supporting documents or witnesses where relevant. The employee should explain why they are not happy with the grievance outcome and be explicit about their preferred resolution to the appeal.

During the appeal process, other investigations may take place.

The decision and any remedy resulting from it will be confirmed in writing. The employee will also be informed that this is the final stage of the procedure and that there is no further right of appeal.

7. Mediation

As an alternative to the formal process, it may be possible for the matter to be dealt with by way of mediation. This will depend on the nature of the grievance.

Mediation usually involves the appointment of a third-party mediator, who will discuss the issues raised in the grievance with all of those involved and seek to facilitate a resolution.

Mediators may be a skilled internal person who is in no way involved in the grievance matter, or a person external to the Combined Authority if it is felt that this would assist in facilitating a resolution.

Mediation will be used where all parties involved in the grievance agree to it.

Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and can make recommendations to help them to clarify the options for resolving their difference or dispute.

The overriding aim is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Where a written complaint or grievance is received, HR will identify whether mediation (Internally or externally facilitated) may be an appropriate step and will contact the parties involved to propose mediation as a way forward. Parties involved in a

grievance may also request that mediation be used. It will be necessary to gain the agreement of all parties for mediation to proceed.

8. Overlapping grievance and disciplinary, conduct or capability cases

Where an employee participating in a disciplinary, conduct or capability procedure raises a grievance, the process may be temporarily delayed in order to deal with the grievance.

However, where the grievance and the conduct/ capability case are related, the issues will be dealt with concurrently within the Disciplinary, Conduct & Capability procedure.

HR will advise on the most appropriate course of action depending on the facts of each case and taking into account the views of the different parties involved.

9. Collective grievances

If two or more employees have identical grievances, they can be raised in the same grievance process where they are in agreement. Equally, line managers receiving two or more grievance complaints relating to the same issue may propose progressing them as a collective grievance.

Individuals within a collective grievance can approach the investigating manager if they have personal circumstances they wish to have considered alongside the main grievance.

If the employees are all members of the same Trade Union, they may arrange for their trade union representative to raise the grievance on their behalf. Alternatively, the employees may nominate one or two of themselves to act on behalf of the group.

Each participating employee will be notified individually of the outcome at each stage of the process.

In addition to the details listed in section 4.1, the collective grievance letter should detail:

- The identity of each employee raising the grievance;
- The nominated trade union rep(s) and/or colleague(s) representing the group (typically this should be one or two people);
- That the employees have all consented voluntarily to use the collective grievance procedure; and
- That each employee understands that the grievance will give each employee the right to one collective grievance process, one identical outcome, one appeal meeting and one identical appeal outcome.

The procedure set out in section 4.1 above will then be followed.

9.1. Appeals against collective grievance outcomes

If, following the grievance outcome, all employees in the group wish to submit an appeal, this should be done in accordance with point 5 above. In addition, it should clearly identify each employee in the group.

If some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

The normal grievance appeal procedure detailed in section 5 will be followed with the identified group representatives.

10. Grievances received after employment has ended

An ex-employee who has a grievance regarding their employment may raise it after they have left our employment, providing that the grievance matter has not already been dealt with under this procedure previously.

The time limit for submitting grievances after employment has ended is 4 weeks.

The former employee should put their grievance in writing to the Head of HR, who will allocate it to the appropriate line manager.

All cases submitted by ex-employees will be investigated and dealt with appropriately.

The standard grievance procedure will be followed. Where the ex-employee chooses not to attend the grievance meeting(s), they will be held in their absence, with their representative present (where one has been nominated). The outcome would then be confirmed in writing.

Please note dismissal itself cannot be subject to a grievance. Representations regarding an employee's dismissal will be considered as an appeal under The Combined Authority's Disciplinary, Conduct & Capability Policy and Procedure.

11. Grievances relating to Board Member(s)

Grievances against Board members should be submitted to the Director, Resources (or Managing Director if the Director, Resources is the subject of the complaint).

The appointment decision will be made by the Director, Resources/Managing Director, who will appoint one or more Board members to conduct an investigation.

The procedure outlined in section 4 will then be followed.

Appeals should be submitted to the Director, Resources/ Managing Director and will be heard by one or more Board members previously uninvolved.

HR support will be provided at all stages.

NOTE: It is not expected that this procedure be used to raise grievances against The Combined Authority's Board in relation to corporate decisions. The Board make decisions and delegations that are then implemented by the management structure

as appropriate. Grievances should therefore be submitted relating to the member of management implementing the decision.

12. Records

Records will be kept in the employee's personal file of informal and formal grievances. These will include but not be limited to:

- The nature of the grievance raised,
- The employer's response,
- The findings made and actions taken,
- The reason for the actions taken,
- Whether or not an appeal was lodged,
- The outcome of the appeal.

All records will be treated as confidential and be kept in accordance with the Data Protection Act 1998.

13. Equality Impact Assessment

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

14. Changes to policy

The Combined Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties.

This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined Authority and ensure compliance with relevant legislation.

A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.