



BEDFORD BOROUGH COUNCIL GRIEVANCE PROCEDURE

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1.0 INTRODUCTION

- 1.1 It is the view of the Council that a well motivated and highly effective workforce is essential for the efficient performance and conduct of the Council's services and that free communication between employees and managers is encouraged.
- 1.2 The Council recognises that employees can have concerns, problems or complaints that they wish to raise with the Council in the course of and connected with their employment.
- 1.3 The Grievance Procedure is a means of allowing employees to raise issues with management about their work, working conditions, or working relationship with colleagues that they wish to be addressed and if possible, resolved.
- 1.4 Most routine issues are best resolved informally in discussion with the employee's immediate manager. Dealing with grievances in this way can often lead to the speedy resolution of problems. The Council hopes that the majority of concerns can be resolved at this stage.
- 1.5 The Grievance Procedure has been written in line with the ACAS Code of Practice on Disciplinary and Grievance Procedures at Work.

2.0 SCOPE

- 2.1 The procedure applies to all employees employed on Bedford Borough Council terms and conditions of service with the exception of the Chief Executive (Head of Paid Service) and employees who are the responsibility of school governing bodies.

3.0 PRINCIPLES

- 3.1 Employees should wherever possible aim to settle grievances informally with their manager, through informal discussion without the need to invoke the grievance procedure.
- 3.2 Advice in relation to the Grievance Procedure can be sought from Personnel Services at any time.
- 3.3 Grievances will be managed as near to the point of origin as possible.
- 3.4 Issues raised must be dealt with promptly and all steps and actions such as investigations, grievance meetings and confirmation of decisions must not be unreasonably delayed.
- 3.5 The Council assures that at all stages, information discussed will be held in the strictest confidence and the Council will treat any improper disclosure as an act of gross misconduct under the Disciplinary Procedure.
- 3.6 Employees are required to follow the process as set out below and keep to the time scales. If an employee does not continue the process within the set time periods the procedure will be considered at an end unless there are

exceptional circumstances such as illness or disability. Where exceptional circumstances occur, all parties must be informed in writing of any delay and the reasons for it.

- 3.7 If no reasonable steps have been taken by the appropriate manager to resolve the grievance within the specified time limits, the employee shall have the right to proceed to the next stage of the procedure, unless both parties have agreed that the time limit should be extended.
- 3.8 An aggrieved employee may at any stage withdraw from this Procedure by giving notice of their intention to do so. This must be done in writing and in such circumstances the employee will be deemed to have abandoned the grievance.
- 3.9 Where a grievance has already been raised but not resolved to the satisfaction of the employee, even at the completion of all stages of this Procedure, the employee cannot restart the Procedure in relation to the same matter.
- 3.10 A member of Personnel Services may be present at formal grievance meetings in order to advise management on policy and procedure.

4. CIRCUMSTANCES WHERE THE PROCEDURE WOULD NOT NORMALLY APPLY

- 4.1 The Grievance Procedure cannot normally be followed to address the following:
- Personal disagreements between individuals not connected with their duties/roles within the Council.
 - Complaints concerning discrimination, bullying or harassment where there is a separate procedure in place.
 - Issues which are the subject of other Council policies and procedures. Examples of these include confidential reporting, anti-fraud strategy, discipline and procedures amended by collective agreements.
 - Complaints relating to income tax, national insurance and pensions where resolution of the grievance is beyond the powers of the Council.
 - Salary grading and assimilations where there are separate procedures in place.
 - Organisational reviews where particular consultation requirements apply.

5. MANAGERS AUTHORISED TO HEAR GRIEVANCES

5.1

Stage	Manager
Informal	Immediate Manager
Formal Stage 1	Manager or above if necessary
Appeal Stage 2	Service area Chief Officer or another Chief Officer who must be independent and has had no part in the grievance

5.2 In some circumstances it may not be appropriate for the employee to raise a grievance at the formal stage with their immediate manager. Circumstances which may give rise to this are:

- If the grievance is against the employee's manager the matter should be raised at the next level of management i.e. the employee's manager line manager.
- If the grievance is against a Director it should be raised with the Chief Executive.
- If the grievance is against the Chief Executive it should be raised with the Assistant Chief Executive (Monitoring Officer).
- If the grievance is about an Elected Member, Members, a Committee of the Council or with the Borough Council collectively, it should be raised with the Chief Executive who will endeavour to find a solution to the grievance using any appropriate machinery.

6. RECORDS

6.1 At all stages, records detailing the nature of the grievance raised and the actions taken to try to resolve the grievance should be maintained by the manager hearing the grievance.

6.2 It is in the interest of all parties involved in informal resolution to make and keep a note of any discussions and any agreed actions. In these circumstances, no information will be put on the personal file of any individual. However, both parties can refer to such notes in any subsequent formal action should the matter fail to be resolved informally.

6.3 Records where a formal grievance is raised will include:

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments.

6.4 Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken in relation to their grievance. In certain circumstances (for example to protect a witness) the Council may withhold some information.

6.5 All documentation relating to the formal grievance should be copied to the Employee Relations Adviser for storage in the case management file and the employee's personal file.

6.6 Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998 and the Council's Document Retention Policy.

7. MALICIOUS GRIEVANCES

- 7.1 A grievance should not be used as a threat or a tool of persuasion and it is not intended to replace informal discussions between employees and managers. If a grievance is found to be malicious, frivolous or vexatious, consideration will be given to further action, which may include action under the disciplinary procedure.

8. MEDIATION

- 8.1 In certain circumstances where working relationships have broken down, it may, with mutual agreement, be helpful to seek advice and assistance during the Grievance Procedure through the use of mediation. Mediation is a voluntary process and there is no requirement for parties to suggest mediation or to accept it as a means of dispute resolution. By undertaking mediation no party is precluded from taking formal action at a later stage. (Further information is available at Section 13 of the Guide to Managing Grievances)

9. GROUP GRIEVANCES

- 9.1 Every employee has the right to pursue an individual grievance, but if the same complaint is received from more than one person it may be appropriate to involve a trade union representative. Where a group of employees are involved, each individual must be identified and two representatives nominated to act for the whole group. If employees are seeking different outcomes, it may be possible to seek some measure of agreement between them on the resolution being sought. Where agreement cannot be reached, each grievance would need to be dealt with separately. In any event a decision about how to proceed must be made in consultation with Personnel Services.

10. RIGHT TO BE ACCOMPANIED AT FORMAL GRIEVANCE MEETINGS

- 10.1 Employees who have raised a grievance have a statutory right to be accompanied by a trade union representative or work colleague at all formal grievance meetings.
- 10.2 To exercise the right to be accompanied the employee must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case.
- 10.3 When an employee has requested to be accompanied but their representative is unable to make the date set, the employee may suggest an alternative time and date so long as it is reasonable and it is not more than 5 working days after the original date.
- 10.4 The representative should be allowed to address the meeting to put forward and sum up the employee's case and respond on behalf of the employee to any views expressed. The representative does not, however have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

11. MANAGING GRIEVANCES - INFORMAL STAGE

- 11.1 Employees are initially encouraged wherever possible, to discuss their grievance informally with their manager who will take suitable action to try to resolve the grievance at this stage. Dealing with grievances in this way can often lead to the speedy resolution of problems.
- 11.2 The informal grievance should be raised by the employee as soon as possible after the incident/issue arises, ideally within 5 working days.
- 11.3 The individual should be invited to an informal meeting to establish what the grievance is and explore any ways of constructively addressing the problem including the possibility of mediation wherever appropriate. There is no statutory right for an employee to be accompanied at this meeting.
- 11.4 The manager and the employee should keep their own note of the informal meeting.

12. MANAGING GRIEVANCES - FORMAL STAGE 1

12.1 Raising the matter formally

- 12.1.1 If after attempting to resolve the grievance informally, the employee is dissatisfied with the response or if no response has been forthcoming, the employee should raise the matter formally with their immediate manager, or if that manager is the subject of the complaint, to the next senior manager.
- 12.1.2 This must be done in writing within 5 working days and should set out the nature of the grievance and the resolution sought; the fact that the matter could not be resolved informally and therefore needs to progress to stage 1 of the formal procedure. The formal written statement of grievance – stage 1 Form 1 at page 9 of this document may be used for this purpose

12.2 Grievance meeting

- 12.2.1 The manager who has received the grievance should check with the employee that they wish to pursue the grievance formally. If this is the case the manager will arrange for a formal grievance meeting to be held which should take place ideally within 5 working days of written receipt of the grievance. The meeting will discuss the grievance and how the employee would like to see it resolved. Although there is no guarantee that the matter will be resolved in the way the employee suggests, this does at least give the manager an indication of the aggrieved employee's desired outcome.
- 12.2.2 The manager should issue a letter acknowledging the grievance and invite the employee to attend a grievance meeting. The acknowledgment of the formal grievance and invite to attend a grievance meeting – stage 1 may be used for this purpose.
- 12.2.3 The manager hearing the grievance, the employee and their representative should make every effort to attend the meeting. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- 12.2.4 If the grievance relates to another employee (and after talking privately to the individual who has raised the grievance), the manager must decide whether it

is appropriate for both parties to meet to discuss the matter or if it is more appropriate for the manager to speak to the other employee separately. Such situations need careful handling and where it is agreed that both parties will meet to discuss the matter, the manager will allow both parties the opportunity to state their case with a view to reaching a mutually satisfactory resolution to the problem.

Where a meeting of both parties is to be arranged a letter informing an employee that a grievance has been raised against them and inviting them to a grievance meeting should then be sent to the person the complaint was made against. A copy of the formal grievance should also be sent.

12.2.5 The manager hearing the grievance should follow the steps outlined in conducting a formal grievance meeting set out in the Guide to Managing Grievances at section 7.4.

12.2.6 The employee has the right to be accompanied by a trade union representative or work colleague.

12.2.7 The manager may invite someone to attend the meeting to take a record of what is discussed.

12.3 Determine the appropriate action

12.3.1 Following the grievance meeting, the manager hearing the grievance will decide on what action, if any, to take. There may be need for the manager to speak to other individuals following the grievance meeting to gain further information before a decision is made. The decision will be communicated to the employee in writing within 5 working days of the decision being made and where appropriate should set out what action is intended to be taken to resolve the grievance. The outcome of grievance meeting – stage 1 letter should be used for this purpose.

12.3.2 In the event that further information is required, the manager may agree with the parties to extend the deadline beyond 5 days if necessary so as to complete investigations.

12.3.3 The timescales for completing any investigation must be communicated to the employee and their representative and should not be excessive. The outcome of the investigations including any relevant additional information obtained must be communicated to the employee in writing using the outcome of grievance meeting – stage 1 letter.

12.3.4 The employee should be informed that they can appeal if they are not content with the action taken. This should be within 10 working days of receipt of the written decision.

12.3.5 Where the complaint is against another employee, a letter setting out the outcome of the grievance meeting to the employee that the grievance was raised against should also be sent to that individual.

13. MANAGING GRIEVANCES – APPEAL FORMAL STAGE 2

13.1 Referring the matter to an appeal

13.1.1 If the employee continues to consider the original grievance has not been resolved and/or is dissatisfied with the management responses from the previous stages, the employee should set out their grounds for appeal in writing within 10 working days of receipt of the manager's written response to the formal stage. The formal written statement of grievance appeal – stage 2 Form 2 at page 10 of this document may be used for this purpose.

13.1.2 This appeal will normally be addressed to the Service Area Chief Officer. The employee should explain the reasons why, in their view, the management response does not adequately address the grievance.

13.1.3 The employee will also attach a copy of the original grievance together with the management response to the grievance. New issues are not permitted to be introduced at the appeal.

13.2 Appeal meeting

13.2.1 The service area Chief Officer, or another Chief Officer who must be independent and has had no part in the grievance, will arrange to hear the appeal within 10 working days of the written receipt of the appeal or as soon as is reasonably practical and at a time and place which should be notified to the employee in advance. An acknowledgment of the formal written statement of grievance appeal and invite to attend an appeal meeting at stage 2 letter should be sent to the aggrieved employee.

13.2.2 Also in attendance at this meeting will be the manager responsible for the decision at the grievance meeting at stage 1. If an investigation has taken place and this was undertaken by a different person to the manager responsible for the decision at stage 1, this person may be called as a witness. Witnesses to be called should be sent the invitation to witnesses to attend grievance appeal meeting letter.

13.2.3 The Chief Officer should follow the steps outlined in the format of a formal grievance appeal as set out in the guide to managing grievances at section 7.5.

13.2.4 The employee has the right to be accompanied by a trade union representative or work colleague.

13.2.5 The Chief Officer will invite someone to attend the meeting to take a record of what is discussed.

13.3 Determine the appropriate action

13.3.1 The Chief Officer hearing the appeal will give a written response to the grievance appeal within 5 working days of the meeting or as soon as is reasonably practical, confirming the outcome. There may be a need for the Chief Officer or their nominated officer to speak to other individuals following the appeal meeting to gain further information before a decision is made. The outcome of grievance appeal meeting – stage 2 letter should be used for this purpose.

- 13.3.2 In the event that further information is required, the Chief Officer may agree with the parties to extend the deadline beyond 5 days, if necessary, so as to complete any further investigations.
- 13.3.3 Where the complaint is against another employee, a letter setting out the outcome of the grievance appeal to the employee that the grievance was raised against should also be sent to that individual.
- 13.3.4 This is the last stage within which the grievance can be considered by the Council which means that the decision of the Chief Officer will be final so far as they Council is concerned. The grievance will be considered to be concluded at this stage.

Form 1

FORMAL WRITTEN STATEMENT OF GRIEVANCE – STAGE 1

Please complete the details and questions as requested below, then sign and date the statement to acknowledge your acceptance of the terms of your submission as outlined in the Council's Grievance Procedure.

Please note this statement should be submitted within 5 working days of the incident/issue arising or failure to resolve the matter informally.

Employee Details

Employee Name	Employee Number
Post Title	Service Area and Location

Details of Grievance

- 1 Please detail the exact nature of your grievance.

- 2 Please provide details of any action already taken in relation to resolving this issue.

- 3 Please state what steps you would wish to be taken to resolve your grievance.

(Please continue on a separate sheet if necessary)

Should I subsequently wish to withdraw my grievance I am aware that I must do so in writing.

Signature	Date
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Form 2

FORMAL WRITTEN STATEMENT OF GRIEVANCE APPEAL – STAGE 2

Please complete the details and questions as requested below, then sign and date the statement to acknowledge your acceptance of the terms of your appeal as outlined in the Council's Grievance Procedure. This appeal must be submitted to the Service Area Chief Officer as outlined in your outcome letter.

Please note that this appeal must be submitted within 10 working days of receipt of the decision of the formal grievance meeting.

Employee Details

Employee Name	Employee Number
Post Title	Service Area and Location

Details of Grievance Appeal

- 1 Please detail the date of the hearing, the name of the person who chaired the hearing and the decision which was made.
- 2 Please state the reasons why you are dissatisfied with the outcome of your grievance hearing.

(Please continue on a separate sheet if necessary)

I confirm that I understand that I have now instigated a formal appeal (stage 2) of the Council's Grievance Procedure. Should I subsequently wish to withdraw my grievance appeal I am aware that I must do so in writing.

Signature	Date
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Date	Description of change
August 2016	Form 1: FORMAL WRITTEN STATEMENT OF GRIEVANCE & Form 2: FORMAL WRITTEN STATEMENT OF GRIEVANCE APPEAL duplicated in this procedure from the Guide to Managing Grievances to make it more accessible to employees. Reference to forms added to text.
August 2017	<p>Amendments throughout document to change reference to Head of Service/ AD to Chief Officer.</p> <p>Where previously appeals could be heard by the Assistant Director or their nominated officer which had to be at least Head of Service level now due to the change in senior structure where a Chief Officer cannot hear the appeal it has to be heard by another Chief Officer who must be independent and has had no part in the grievance.</p>