

# Grievance Procedure

---

---

## Summary

Gloucester City Council recognises the importance of good working relationships with its employees and seeks to ensure that grievances are resolved as quickly as possible. Managers are responsible for the successful operation of this procedure within the service areas for which they are responsible, supported and advised by the Council's HR service as appropriate.

A grievance is a concern, problem or complaint that employees can raise with the council involving their working circumstances. This Procedure is to ensure that employees are treated fairly when raising a grievance, their concerns are properly considered, and that grievances are dealt with as early and as informally as is reasonable in the circumstances.

The procedure aims to facilitate the promotion of natural justice and resolution of problems at the lowest appropriate level with minimal delay and conflict. It provides a means by which an employee or employees can seek redress for a perceived grievance without fear of recrimination.

Matters pertaining to an employee's performance at work, their conduct, pay and sickness record may more appropriately be dealt with under separate procedures. This procedure applies the principles of the ACAS Code of Practice (No.1) on 'Disciplinary and Grievance Procedures'.

The main purpose of this procedure is to resolve issues not to apportion blame. All participants are, therefore, expected to behave in a way that will contribute to a satisfactory resolution.

This Grievance Procedure does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the council at any time. Everyone should ensure that they take the time to read and understand the content of this procedure and act in accordance with its aims and objectives. If you need support reading and/or understating this procedure, please speak with your line manager.

## Quick Glance

[Who does this procedure apply to?](#)

[What is a grievance?](#)

[Is this the right procedure to use?](#)

[What should someone with a concern do first?](#)

[Is there an employee assistance program I can access?](#)

[Is there any flexibility in the procedure?](#)

[What happens if an employee has a disability or some difficulty in understanding English?](#)

[What happens next?](#)

[Will a full investigation be carried out?](#)

[What if the employee is not content with the response?](#)

[What is management facilitation?](#)

[What is mediation?](#)

[If informal action does not resolve the issue, what happens next?](#)

[Can the concerned employee be represented?](#)

[How much notice is given of a grievance hearing?](#)

[What's the purpose of a formal grievance hearing?](#)

[Who will attend the grievance formal stage 1 hearing?](#)

# Grievance Procedure

[Will there be a record of the hearing?](#)

[Will the outcome letter be retained?](#)

[What if the employee does not accept the proposed outcome?](#)

[Who will attend the grievance stage 2 appeal hearing?](#)

[Can the outcome be changed on appeal?](#)

[What if several employees notify the same concern?](#)

[Is there a different way to deal with a 'collective grievance'?](#)

[If the employee leaves before the grievance is resolved, what happens?](#)

[Can an individual raise a grievance after leaving the council?](#)

[Can an employee withdraw a grievance?](#)

[Exclusions](#)

[Flowchart \(appendix 1\)](#)

[Grievance Notification Form \(appendix 2\)](#)

[Grievance Appeal Notification Form \(appendix3\)](#)

Who does this procedure apply to?

It applies to all Gloucester City Employees.  
Member level hearings apply only to the Council's designated Statutory officers

What is a grievance?

A grievance is an employment-related concern, a problem or a complaint raised by an individual with their employer.

[Back to top](#)

Is this the right procedure to use?

Separate procedures exist to deal with matters relating to employee performance, conduct, pay and absence. The council also has procedures for dealing with issues that may or may not involve the employee's work, including policies dealing with financial irregularities, whistle-blowing, and the safeguarding of young people, children and vulnerable adults.

Further advice is available on Extranet for these procedures, and the HR advice line can offer advice on which procedure is the most appropriate in the particular circumstances.

[Back to top](#)

What should someone with a concern do first?

If a concern has arisen, it is in everyone's best interests to address it as early as possible and to give some thought as to how it could be constructively resolved.

If the concern involves a colleague or the employee's line manager, then the employee should consider raising it with them informally in the first instance. Otherwise, concerns should be raised with the line manager. In circumstances where this would be inappropriate, the complaint is about the line manager or where the manager has failed to take action the employee may informally approach the line manager's own manager instead.

# Grievance Procedure

- Informing a manager of a grievance or concern can be done verbally in the first instance (and if appropriate followed up in writing using the grievance notification form (appendix 2) or
- In writing using the grievance notification form (appendix 2), and in doing so the employee should explain the grounds for their concern. The employee may seek the advice and support of their trade union.

The written grievance should contain a description of the nature of the complaint including any relevant facts, dates, names of individuals involved. In some situations the employee may be asked to provide further information.

Both the employee and the manager should approach a grievance with a view to problem-solving, rather than negatively or defensively, though this can be a natural first reaction. Demonstrating an open and positive approach provides the best chance of resolving a grievance informally, constructively and at an early stage.

[Back to top](#)

Is there an employee assistance program that can be accessed?

Yes, the Employee Assistance Program (EAP) which is independent of the council and can be contacted for support. Freephone 0800 174319 or visit <http://www.carefirst-lifestyle.co.uk/>. This service is available 24 hours a day, seven days a week. (Username and Password tbc)

[Back to top](#)

Is there any flexibility in the procedure?

The council will follow a fair and open procedure and in the event that the employee raises a grievance there may be occasions when the council considers it appropriate to change or omit parts of the procedure.

[Back to top](#)

What happens if an employee has a disability or difficulty in understanding English?

If an employee has difficulty at any stage of the procedure because of a disability or difficulty in understanding English, they should raise this with their manager in the first instance so they may assist as appropriate.

[Back to top](#)

What happens next?

The manager may need to do some initial fact finding in order to form an initial view of the concern, how much substance it might have, and how it may effectively be resolved. If the concern relates to another procedure which is underway, or would otherwise be more appropriately dealt with under another procedure, this should be explained to the employee.

[Back to top](#)

# Grievance Procedure

Will a full investigation be carried out?

If the manager thinks there may be grounds for the employee's concern, then consideration should be given to how the situation is to be redressed, and any solution or outcome communicated to the employee. If there are no grounds for concern, then the reasons for this management view should be carefully explained to the employee and perhaps followed up in writing.

In some cases it may be necessary for an investigation into the employee's complaint/concerns to be undertaken. The degree of any investigation required will depend on the nature of the concerns and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/ or reviewing relevant documents. Members of staff may be asked to remain away from the office/ workplace for a period of time to allow for an investigation to be completed. Suspension on full pay could be enacted, where alternatives (e.g. temporary transfer to another location) are not reasonably practicable. Suspension will not be viewed as a disciplinary or other sanction, nor does it imply a view on the part of management of the "rights and wrongs" of the situation.

The investigation may be carried out by the line manager or someone else appointed by the council.

The employee must co-operate fully and promptly in any investigation. This may include informing the council of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required.

[Back to top](#)

What if the employee is not content with the response?

The council may initiate an investigation before holding a stage 1 grievance hearing where the council considers this appropriate. In other cases a grievance meeting may be held before deciding what investigation (if any) to carry out. In such cases a further grievance meeting will be held with the employee before a decision is reached.

[Back to top](#)

What is management facilitation?

Most concerns should be resolved through discussion with the line manager. The line manager should consider and seek to facilitate a resolution of the concern. Where this hasn't resolved matters, the line manager can involve a third party, such as another or more senior manager to facilitate a resolution.

Management may propose many types of informal solution dependent on the concern, examples including workplace adjustments, corrective action or advice, a conversation with involved parties, or mediation. Facilitation should be followed by a conversation with the employee who raised the grievance, to check that they feel that the matter has been reasonably resolved.

[Back to top](#)

# Grievance Procedure

## What is mediation?

Mediation helps people who are having relationship difficulties at work to sort out their differences as soon as possible. The council can provide ACAS-trained mediators to manage the mediation process and act as impartial facilitators. Mediation is a voluntary process and enables parties who are not seeing eye to eye to work through their issues and find solutions.

If further information is needed about mediation and how this can be arranged, please contact HR.

[Back to top](#)

## If informal action does not resolve the issue, what happens next?

The majority of grievances are resolved informally, but if not there are two formal stages potentially available, a stage 1 grievance hearing, which may be followed by a stage 2 - appeal hearing.

The employee who has not managed to achieve an informal resolution of their grievance should put their grievance in writing by using the grievance notification form (appendix 2) and submitting it to their manager with a copy for information to the council's HR Service.

The form should:

- Explain the problem (a description of the issue).
- State the actions taken to try to resolve the matter informally.
- Say what they want to happen or what they think will help constructively resolve the grievance (outcomes).

Where the grievance is against the line manager, the grievance should be submitted in writing by using the grievance notification form (appendix 2) to the manager's manager.

The manager (or his / her manager) will then write to the employee within seven calendar days detailing the arrangements made for the grievance hearing.

[Back to top](#)

## Can the concerned employee be represented?

Employees may seek advice at any point, and can be represented by a trade union representative or a workplace colleague if the grievance reaches a formal stage.

Acting as a companion is voluntary and work colleagues are under no obligation to do so. A work colleague will be allowed reasonable time off from duties without loss of pay to act as a companion but they must provide their line manager with adequate notice of their intentions. If the employee's choice of companion is unreasonable as their attendance may prejudice the hearing; or they are unable to attend at the time and date allocated; and are not available within the next five working days; or they are from a remote geographical location; the council may use its discretion and ask the employee to choose someone else.

[Back to top](#)

# Grievance Procedure

How much notice is given of a grievance hearing?

The employee should receive at least seven calendar days' notice of a formal grievance hearing or appeal, and is required to attend, unless the council agrees otherwise.

[Back to top](#)

What's the purpose of a formal grievance hearing?

The purpose of a grievance hearing is to enable the employee to explain their grievance and how they think it should be resolved, and assist the council to reach a decision based on the available evidence and the representations the employee has made. We may ask the other people involved to attend the hearing with a view to obtaining a resolution.

After an initial grievance hearing the council may carry out further investigations and hold further grievance meetings as considered appropriate. Such meetings will be arranged without unreasonable delay.

[Back to top](#)

Who will attend a formal stage 1 grievance hearing?

The hearing will be conducted by an appropriate manager who has had no direct prior involvement in the grievance; this will often be the line manager's manager. The employee who has raised a grievance, their TU Representative /workplace colleague and the line manager and/or person who has investigated the grievance will attend the formal stage 1 hearing.

Will there be a record of the hearing?

Yes, notes may be taken and a summary of the outcome of the hearing will be provided to the aggrieved employee and any other relevant parties within seven calendar days of the hearing. Employees are not permitted to make their own recording of a meeting without the knowledge of those present.

[Back to top](#)

Will the outcome letter be retained?

Yes, a copy of the outcome letter will be retained and placed on all the relevant employees' personnel file.

[Back to top](#)

What if the employee does not accept the proposed outcome?

Where an employee wishes to appeal against the decision reached at a stage 1 formal grievance hearing, they should notify their intention of appeal in writing (using the grievance appeal notification form, appendix 3), within 5 working days of the date of the stage 1 grievance hearing written response to the manager who issued the decision and copy in HR.

The employee should submit the **full** grounds for the appeal by completing the Grievance Appeal Notification Form within 14 calendar days of the grievance hearing, clearly stating why they feel the decision was wrong and why they continue to be aggrieved.

# Grievance Procedure

This should include a copy of the Grievance Notification Form, the written response and copies of all relevant documentation.

The appeal must relate to the original grievance and no new matters may be introduced. The manager hearing the grievance appeal meeting will acknowledge receipt of the appeal notification within 7 calendar days and arrange to meet with the employee.

[Back to top](#)

Who will attend a grievance stage 2 appeal hearing?

The hearing will be conducted by an appropriate senior manager who has had no direct prior involvement in the grievance. The employee who has raised the grievance appeal, their TU Representative /workplace colleague and the manager who conducted the formal stage 1 meeting and produced the outcome letter will attend the meeting.

[Back to top](#)

Can the outcome be changed on appeal?

If an appeal meeting considers that either the finding or the resolution offered were unreasonable then it may change either or both. The appeal is conducted as a review of the reasonableness of the outcome following the first management hearing, but it is not a rehearing of the case. The decision at appeal will be final and there is no further right of appeal.

[Back to top](#)

What happens if several employees notify the same concern?

This is known as a 'collective grievance'. As with individual grievances, management should attempt to resolve collective grievances informally. It is important to note that participants in a collective grievance may have the same concern, but they may want it to be dealt with in different ways.

Employees submitting a collective grievance should nominate one of their number to act on behalf of them all. The employee will attend meetings and inform their colleagues of what transpires, though at the informal stage management may choose to involve more of the group as appropriate.

If it is not possible to resolve the matter informally the same process applies as for an individual grievance. This means there will be a management meeting and (if necessary) an appeal. The same rights to advice and representation apply as for an individual grievance.

[Back to top](#)

# Grievance Procedure

Is there a different way to deal with a 'collective grievance'?

Yes. If the aggrieved parties prefer, they may request their trade union representative to take up the matter with the council on their behalf, rather than using this procedure. This would require the agreement of the trade union, who will discuss the matter with the appropriate manager (advised by HR) in the first instance. Management, in consultation with the union, will then determine how to take the matter forward.

[Back to top](#)

If the employee leaves before the grievance is resolved, what happens?

If the concern is one that could continue to affect council employees now or in the future then management may choose to pursue the matter. If not, it may be more appropriate to conclude the matter through an exchange of correspondence. In any case, the council will inform the (ex-) employee of the outcome. Individuals who have left the council have no right of appeal under this procedure.

[Back to top](#)

Can an individual raise a grievance after leaving the council?

There is no right to raise a grievance under this procedure after leaving the council's employment. However, if someone has a concern they wish to bring to the council's attention, they should put this in writing to their former line manager or to the council's HR service within one month of their leaving date. The council may consider the matter further at its discretion.

[Back to top](#)

Can an employee withdraw a grievance?

This will depend on the nature of the grievance and whether or not the Council believes that the matter still needs to be investigated.

An appeal against a grievance outcome may be withdrawn at any time

[Back to top](#)

## Exclusions:

A grievance will be excluded from this procedure if management considers the matter is already being, or will be, dealt with more appropriately through other council procedures, and also in the following specific circumstances:

1. The grievance concerns the employee's grade or pension.
2. It concerns the substance (rather than the application) of national or local conditions of service or an express term of the contract of employment.
3. It is the same, or a broadly similar, grievance from the employee that has already been heard under this procedure.



# Grievance Procedure

---

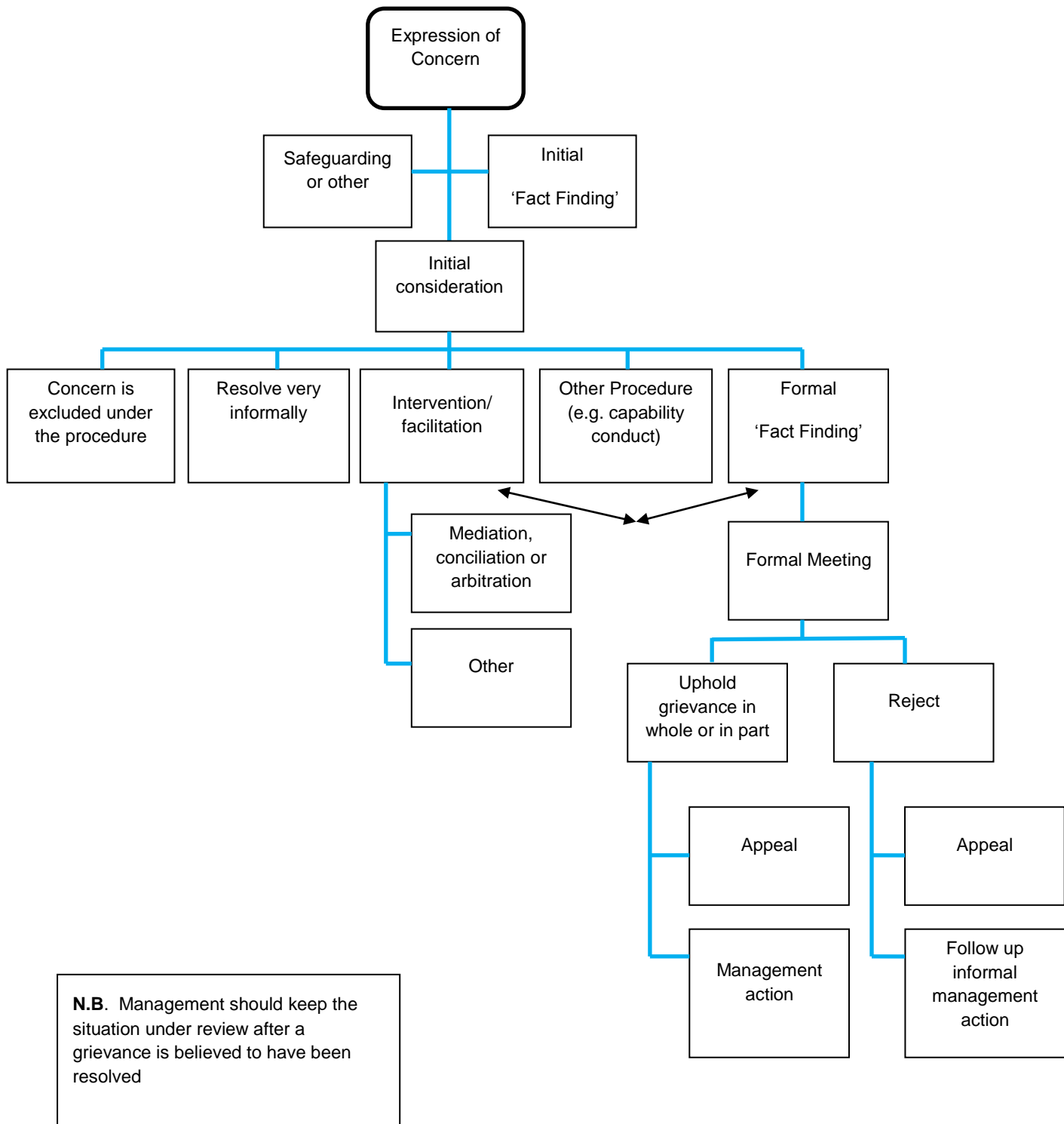
---

4. The employee does not comply with time scales specified in the procedure, unless management has agreed to this.
5. It is the subject of a dispute between the council and the trade union(s).
6. The subject of the grievance, or the outcome an employee is seeking, is outside the control of the council.
7. The grievance is considered to be frivolous, vexatious or malicious. The Head of Human Resources may decide to exclude a grievance from this procedure if it is considered vexatious, malicious or not to have been raised in good faith and if this is considered to be amount to misconduct, the individual or individuals concerned may be subject to action under the disciplinary and dismissal procedure.

# Grievance Procedure

Flowchart of grievance procedure

APPENDIX 1



# Grievance Procedure

## APPENDIX 2

### Formal Grievance Notification Form

An employee and or their representative should use this form to raise a formal, stage 1 grievance under the council's Grievance Procedure. The form is designed to ensure the grievance is clearly understood at the outset and to assist in it being dealt with speedily and effectively.

#### 1. EMPLOYEE DETAILS

First name:		Surname:	
Job title:		Location:	
Service:	Area:	Team:	
Email:		Telephone:	
Name of Line Manager:			

#### 2. REPRESENTATIVE DETAILS

Please state clearly the name and contact details of any representative to be included as a point of contact for further information.

First name:		Surname:	
Email:		Telephone:	
Name of Trade Union (if applicable) or area/team of representative:			
Please identify any dates when you or your representative are not available to meet to discuss the grievance:			

#### 3. THE FORMAL GRIEVANCE

Note: Please state clearly the full nature of your grievance in as much detail as necessary to assist the manager concerned reach a resolution. Describe the situation. If referring to specific incidents, please include (so far as you are able) details of dates, times places, witnesses and any other people involved in or adversely affected by the situation. State fully how you are, or will be, affected by the issue. State why you disagree with the Council's actions or intentions in the matter. If referring to specific incidents, please include (so far as you are able) details of dates, times, places and the people involved. If referring to documents please attach copies if possible or supply details for the council to be able to identify and locate a copy of the document mentioned. Please note the council may seek further information from you if it is considered necessary.

# Grievance Procedure

---

---

*Please continue on another sheet if necessary.*

## 4. INFORMAL APPROACH

Have you attempted to resolve the matter informally? Y / N

If YES, what was the outcome and why you are not satisfied with the informal response.  
If NO, please explain why you did not firstly use informal measures.

*Please continue on another sheet if necessary.*

## 5. OUTCOMES OR REMEDY SOUGHT

What resolution / outcomes are you seeking?

*Please continue on another sheet if necessary.*

**Note:** This will be the basis of your grievance throughout the formal procedure. Therefore, you may wish to seek advice from your representative prior to completion. It is important that the council knows at the outset what your complaint is, the reason that you believe the complaint is justified and the outcome you are seeking. The council may, at its discretion agree to amend the grounds of your grievance but reserves the right to decline to do so in any particular case.

# Grievance Procedure

---

---

## 6. EMPLOYEE STATEMENT:

I have read the Council's Grievance Procedure and set out this grievance in accordance with its provisions.

Signature:	Date:
------------	-------

On completion, please return this form to your line manager (in cases where the grievance is against the manager, to that person's manager) with a copy to be sent to HR for information. Please retain a copy for your own records

*FOR COMPLETION BY THE RECEIVING MANAGER*

Date form received:	
Manager's signature:	
Signed:	Date:

# Grievance Procedure

## APPENDIX 2

### Formal Grievance Appeal Notification form

An employee and/or their representative should use this form to appeal a formal grievance under the council's Grievance Procedure. The form is designed to ensure the appeal is clearly understood at the outset and dealt with speedily and effectively.

#### 1. EMPLOYEE DETAILS

First name:		Surname:	
Job title:		Location:	
Service:	Area:	Team:	
Email:		Telephone:	
Name of line manager:			

#### 2. REPRESENTATIVE DETAILS

Please state clearly the name and contact details of any representative to be included as a point of contact for further information

First name:		Surname:	
Name of Trade Union (if applicable) or area/team of representative:			
Telephone:		Email:	
Please identify any dates when you or your representative are not available to meet to discuss the grievance appeal:			

#### 3. REASONS FOR APPEAL

Date of Stage 1 grievance meeting:	Date response received:
------------------------------------	-------------------------

**Note:** Please state clearly the reasons why you are dissatisfied with the stage 1 grievance outcome in as much detail as necessary to assist the manager concerned to reach a resolution, continuing on a separate sheet if necessary. Describe in detail why you feel the decision was wrong and why you continue to be aggrieved. Please attach copies of all the documentation from the stage 1 grievance process.

--

# Grievance Procedure

*Please continue on another sheet if necessary.*

## 4. REMEDY OR OUTCOMES SOUGHT

What resolution / outcomes are you seeking?

*Please continue on another sheet if necessary.*

**Note:** This will be the basis of your appeal. Therefore, you may wish to seek advice from your representative prior to completion.

## 6. EMPLOYEE STATEMENT:

I have read the council's Grievance Procedure and wish to set out this appeal against the Stage 1 grievance outcome in accordance with its provisions.

Signature:

Date:

On completion, please return this form to your line manager (in cases where the grievance is against the manager, to that person's manager) with a copy to be sent to HR for information. Please retain a copy for your own records.

FOR COMPLETION BY THE RECEIVING MANAGER

Date form received:

Manager's signature:

Signed:

Date: