GRIEVANCE PROCEDURE

Version:	**Version 3 – February 2012**
Scheme Ratified by:	**Human Resources**
Date:	**6th February 2012**
Area Applicable:	**All Caerphilly Employees except school based employees unless the School Governing Body has adopted the Scheme.**
Review Year	**2015**
Impact Assessed	**Yes**

A greener place Man gwyrddach

INDEX

CONTENT	PAGE NUMBER
Introduction	3
Scope of the Procedure	3
Guiding Principles	3
Definitions	4
Informal Grievance Procedure	5
Formal Grievance Procedure	7
Appeals	7
Post Employment Grievances	7
Overlapping Disciplinary and Grievance Cases	8
Interpretation of the Procedure	8
Review of the Procedure	8
Appendix 1 - Flowchart of the Formal Grievance Procedure	9
Appendix 2 - Grievance Form	10
Appendix 3 - Grievance Appeal Form	12
Appendix 4 - Procedure to be Followed at a Formal Grievance Hearing and a Grievance Appeal Hearing	14

Wherever the designation Manager is used throughout this procedure, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, Head Teacher or anyone who has supervisory responsibility.

For employees appointed by the school Governing Body, any appeals, and where appropriate the original hearing, will be dealt with by the relevant panel of the Governing Body.

Human Resources support to schools in managing this procedure will be subject to any SLA in force at the time.

INTRODUCTION

1. Every Caerphilly County Borough Council employee has the right to raise a grievance as defined below. Other issues or disputes can be resolved informally in discussion with the employee's Line Manager.

2. Where it is not possible to resolve the grievance informally then the formal grievance procedure should be used.

3. This procedure does not take away an employee's statutory employment rights. The procedure embraces the relevant principles contained in the ACAS Code of Practice and is consistent with all relevant legislation.

4. This procedure should be cross-referenced with all the relevant Council/Governing Body polices and procedures and the Code of Conduct. Copies of all the Council's policies and procedures can be found on the Intranet or obtained from your Manager or Human Resources.

SCOPE OF THE PROCEDURE

5. The grievance procedure applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment unless adopted by the Governing Body. This procedure is recommended to school Governing Bodies for adoption.

6. The Council's recognised trade unions have been consulted on the introduction of this procedure.

7. The effective date of this procedure is 1st April 2010. This procedure supersedes all earlier procedures and should be used to deal with all employee grievances. In the case of school based employees, the procedure will be recommended to Governing Bodies as soon after 1st April 2010 as possible and the effective date of the procedure will be the date that the procedure is adopted by the Governing Body.

GUIDING PRINCIPLES

8. Heads of Service/Head teachers through their Senior Officers and Supervisors have the responsibility for ensuring this procedure is applied to all the employees in their Service Area/School.

9. It is the intention that most issues or disputes are dealt with informally with the employee's Line Manager through a set process for the resolving of grievances informally. Please see below for the detail of this process. It is more beneficial to the employee and the Line Manager if the grievance can be dealt with as close to the point of origin as possible. The informal part of the process should be concluded as quickly as possible to facilitate the resolution of the grievance.

10. The Grievance Procedure may be followed by a group of employees with a common grievance. One or two group members and/or a trade union representative or a work colleague may represent the group of employees. When a grievance is submitted on behalf of a number of employees, the grievance must state the names of the employees raising the grievance, their employee numbers, their post titles and their work locations.

11. Grievances can arise in many ways as a consequence of the actions of others, employees, Managers, etc. Guidance on what is a grievance is contained below in the Section of the procedure on definitions. This procedure will also apply to equal pay grievances and bullying and harassment cases.

12. At all stages, any information gathered by all participants must be treated in the strictest confidence. Failure to do so may result in disciplinary action being taken.

13. All information gathered in relation to the grievance should be kept no longer than necessary in accordance with the Data Protection Act 1998.

14. At all stages of the formal procedure, the employee will have the right to be accompanied by a work colleague, a trade union representative/official. Trade union representatives must have been certified by their union as being able to accompany an employee. If an employee is to be accompanied by a work colleague, it must not be someone who is directly involved in the case.

15. Employees should inform the person hearing the grievance/appeal who, if anyone, will be accompanying them at the grievance meeting or appeal.

16. If an employee's representative is unable to attend the date of a grievance meeting/appeal, the grievance meeting/appeal may be postponed until they, or another representative, are available. However, this postponement should not be more than five working days, unless agreed by both parties, after the original date of the grievance meeting/appeal and no further postponements will be granted.

17. An employee will have the right to appeal against the outcome of the formal grievance procedure. However, the outcome of the appeal will be the final stage of the grievance procedure.

18. The procedure is shown diagrammatically at Appendix 1.

19. Similarly, if after investigation it is reasonably considered that a vexatious grievance has been raised with the intention of deliberately damaging someone's reputation, the disciplinary procedure will be invoked.

20. Every effort will be made to deal with any grievances raised under this procedure as promptly as possible.

21. If the employee, or the person accompanying them, is disabled, accessibility issues must be considered to allow them to take part in the grievance process.

DEFINITIONS

22. ACAS has defined the issues that may give rise to grievances as relating to

- Terms and conditions of employment.
- Health and safety.
- Work relations.
- Bullying and harassment.
- New working practices.
- The working environment.
- Organisational change.
- Discrimination.

These issues may, in some circumstances, cover the actions of a third party such as a colleague.

23. Issues not related to any of the above will not be covered by this procedure unless

they could give rise to a complaint of constructive/unfair dismissal. Where it is felt that a grievance submitted does not meet these criteria, the Line Manager must meet with the employee to discuss the matter with the aim of resolving the issue.

24. Outlined below are the definitions of bullying and harassment that are to be used in the operation of this procedure.

Bullying is defined by the Chartered Institute of Personnel and Development as

'Any persistent behaviour directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.'

The statutory definition of harassment is defined as

'Where A engages in unwanted conduct which has the purpose or effect of (a) violating B's dignity or (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.'

Examples of bullying and harassment include: -

- Inappropriate actions.
- Persistent offensive, abusive, humiliating or intimidating behaviour.
- Abuse of power or unfair sanctions.
- Malicious or insulting language.
- Physical contact that is objectionable or causes offence.
- Name calling.
- Excluding a colleague from the team.
- Non-verbal conduct.
- Withholding information, which can affect an employee's performance.
- Ignoring views and opinions.
- Setting unreasonable or impossible deadlines or unmanageable workloads.

NB. The above list highlights examples of bullying and harassment but is not exhaustive.

Harassment may result in the employee feeling upset, humiliated, threatened, vulnerable or have their privacy invaded or self confidence undermined.

INFORMAL GRIEVANCE PROCEDURE

25. Employees will be expected to raise all grievances verbally with their Line Manager in the first instance to allow them to resolve the issue as quickly and as close to the point of origin as possible. If the employee's Line Manager is the person who the grievance is against, the employee will be required to approach the Line Manager's Manager as the next most senior person in the Service Area/School structure. (Where a grievance is against the Head teacher the employee making the allegation will need to approach the Chair of the Governing Body). Grievances against Elected Members should be referred to the Council's Standard Committee.

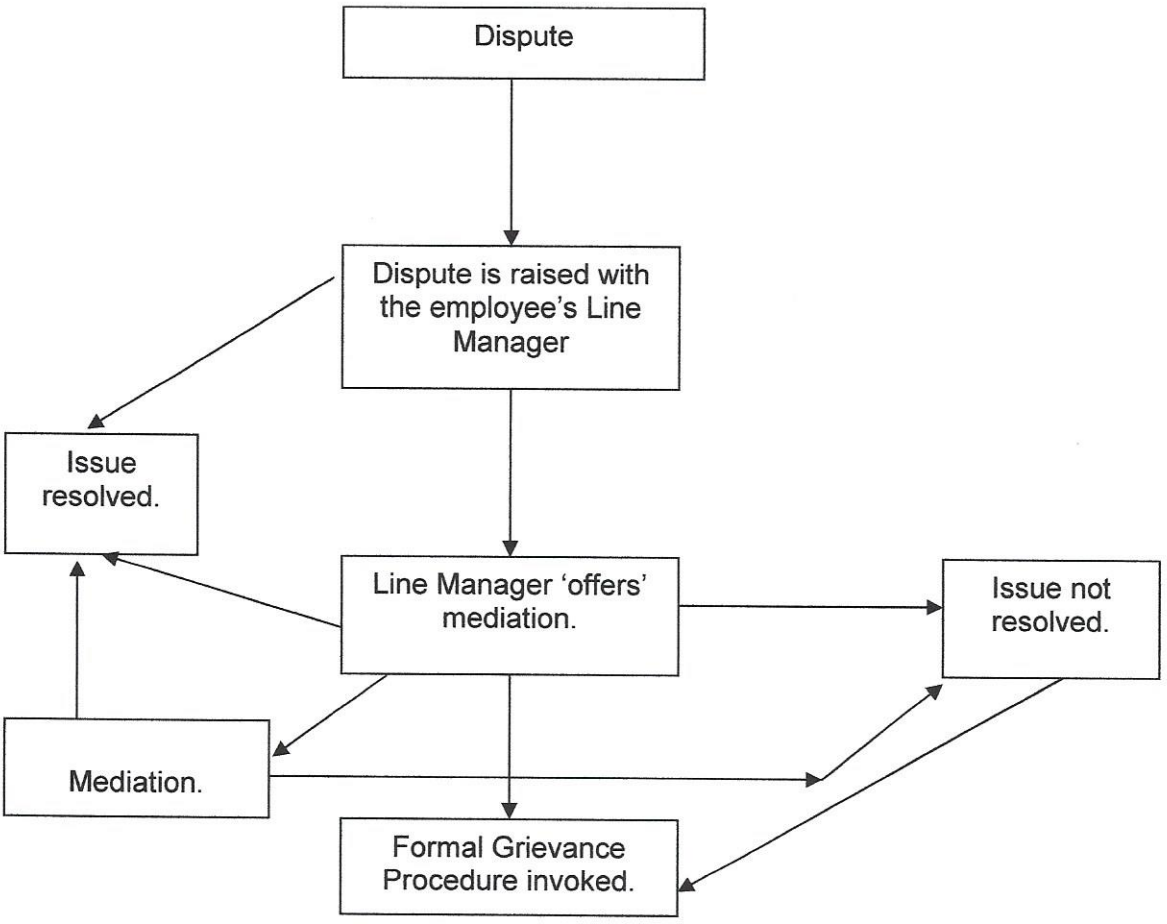
26. Grievances should be raised within three months of the incident (or final incident) which gives rise to the complaint.

27 If the grievance can be resolved, the Line Manager will undertake to resolve the issue and confirm to the employee in writing that the relevant actions have been undertaken.

28. If the Line Manager is unable to resolve the matter but feels that mediation to resolve the issue may be appropriate, they will suggest to the employee (s) concerned that this type of assistance could be utilised. At this stage a representative from Human Resources (subject to any SLA arrangements in place with schools) will facilitate the mediation with the relevant Line Manager present. Human Resources' role is not to undertake an investigation or to impose a solution but to facilitate a resolution between the two parties. At the end of this stage of the procedure, written confirmation of the outcome of the mediation will be sent to all parties.

29. If the mediation is successful, then the agreed outcomes will be implemented within the agreed timescales. If the mediation is unsuccessful, the employee may invoke the formal grievance procedure.

30. This process is shown diagrammatically below.



FORMAL GRIEVANCE PROCEDURE

31. If the grievance has not been resolved at the informal stage, the employee may wish to lodge a formal grievance under this procedure. This must be submitted in writing on a Grievance Form (Appendix 2) and forwarded to the employee's Line Manager. If the grievance concerns the employee's Line Manager, then the employee should submit the grievance to Human Resources (Head Teacher/Chair of Governors for School based grievances). Human Resources (Head Teacher/Chair of Governors for School based grievances) will notify the appropriate person about the grievance and ensure that receipt of the grievance is acknowledged. All formal grievances must be acknowledged within five working days.

32. The employee and their representative, if appropriate, will be invited to a meeting to discuss the grievance as set out in Appendix 4.

33. After the meeting has taken place, the person hearing the grievance may need to undertake an investigation into the issues raised by the employee. They will ensure that this is undertaken without undue delay.

34. Once the investigation is complete, the person(s) hearing the grievance must inform the employee of their decision, in writing, and their right of appeal against the decision.

35. The person hearing the grievance must ensure that any appropriate action identified as an outcome to the grievance will be taken within agreed timescales and a record of any actions taken kept. This may mean the recommendations may need to be referred to another Officer/Panel of the Governing Body for action.

36. Where the grievance is of a complicated nature, the person (s) hearing the grievance has the discretion to convene a panel to hear the grievance. In these circumstances, the format of the hearing may be modified to account of this as long as the minimum guidelines are met.

37. The above procedure is shown diagrammatically at Appendix 1.

APPEALS

38. An employee who wishes to appeal against a grievance decision should make their appeal in writing, on a Grievance Appeal Form (Appendix 3) to Human Resources (Clerk to the Governing Body for school based grievances) within five working days of receipt of the decision, setting out the grounds for the appeal. Human Resources/ Clerk to the Governing Body will liaise with the relevant departmental Manager/ Panel of Governors to hear the appeal.

39. Another Manager/Panel not involved in the earlier decision will hear the appeal.

40. Following the appeal, the person(s) hearing the appeal may either dismiss or uphold the appeal or substitute the original decision with another one. The decision made at this stage of the procedure is final.

41. The procedure to be used at appeals is attached at Appendix 5.

POST EMPLOYMENT GRIEVANCES

42. In order for an ex-employee to raise a grievance it must be made in writing to the Head of Human Resources and Organisational Development who will make the decision on whether the grievance is to be progressed.

43. The ex-employee should provide the following information in support of their grievance.

- Their job title, Service Area and Line Manager.
- The date their employment ended.
- The detail of the grievance, including what action, if any, has been taken.
- Whether the grievance was raised prior to leaving.
- What their desired outcome is.

44. If the grievance is to be progressed, as soon as is reasonably practicable, Human Resources will write to the ex-employee acknowledging receipt of the grievance and making arrangements with the ex-employee to meet to discuss the grievance.

OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

45. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

INTERPRETATION OF THE PROCEDURE

46. In the event of a dispute relating to the interpretation of the procedure, the final decision on interpretation will lie with Corporate Human Resources.

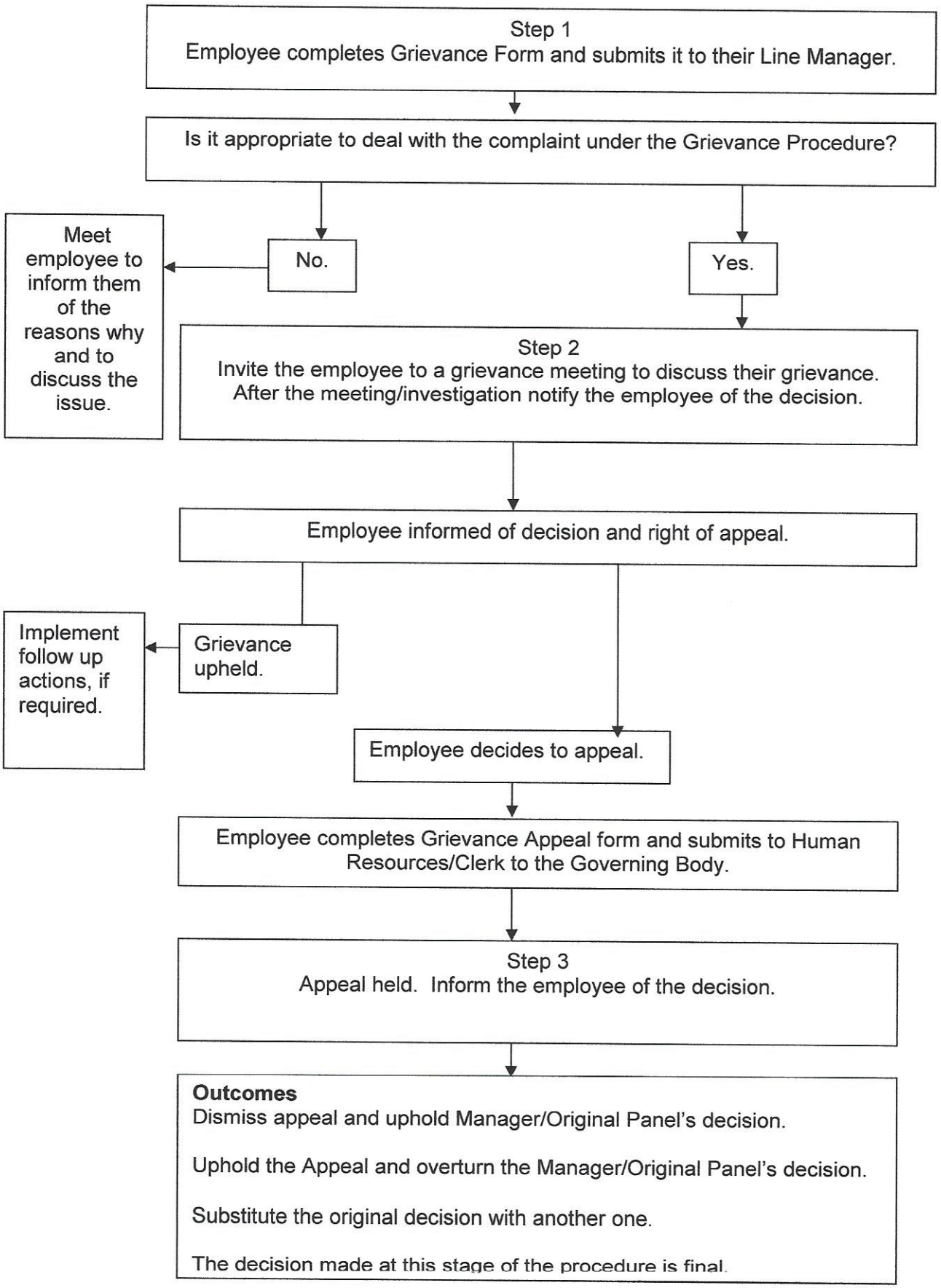
REVIEW OF THE PROCEDURE

47. A review of this procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. In the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

FEBRUARY 2012

APPENDIX 1

FORMAL GRIEVANCE PROCEDURE



APPENDIX 2

GRIEVANCE FORM

NOTE: It is intended that most issues or disputes are dealt with informally and a set process has been developed for the resolution of grievances informally. Please see the Grievance Procedure. Prior to completing this form you should raise the matter with your Line Manager.

Employee's Name		
Job Title		
Service Area		
Location/Establishment		
Have you raised this grievance informally? If Yes, please state with whom and when. **Name:** **Date**	**Yes**	**No**
Do you wish to have representation at the meeting? If Yes, please state who will be representing you. **Name:**	**Yes**	**No**

I wish to lodge a formal grievance in line with the Council/Governing Body's Grievance Procedure. The details of my grievance are shown overleaf.

Please outline your grievance below. Full details should be provided overleaf.
Please state what would be a satisfactory outcome to your grievance.

Details of Grievance: Please be specific in terms of actions, dates, statements, witnesses, etc. Please attach any documentary evidence that is applicable.
Please continue on a separate sheet, if required.

Signature		**Date:**	

Please forward the completed form to Human Resources/Headteacher/Chair of the Governing Body.

FOR HUMAN RESOURCES USE ONLY

Date received by Human Resources /Headteacher/Chair of the Governing Body	
Human Resources Officer Allocated To Grievance	
Manager/Panel hearing the Grievance	
Meeting Date:	**Outcome:**
Date Processed:	

APPENDIX 3

GRIEVANCE APPEAL FORM

Employee's Name			
Job Title			
Service Area			
Location/Establishment			
Date grievance formally heard			
Please state who heard the grievance.			
Do you wish to have representation at the appeal? If Yes, please state who will be representing you. **Name:**		**Yes**	**No**

I wish to lodge an appeal against the decision made in relation to my formal grievance in line with the Council/Governing Body's Grievance Procedure. The detailed grounds of my appeal are shown overleaf.

Grounds for the appeal including the reasons why you are not satisfied with the original decision. Please give full details overleaf.
Please state what further action you are seeking.

Grounds of Appeal. Please attach any documentary evidence that is applicable including a copy of the original Grievance Form and the decision letter.
Please continue on a separate sheet, if required.

Signature		Date:	

Please forward the completed form to Human Resources/Clerk to the Governing Body for Governing Body appointed staff.

FOR HUMAN RESOURCES USE ONLY

Date received by Human Resources/Clerk to the Governing Body	
Human Resources Officer Allocated To Appeal	
Manager/Panel hearing the Appeal	
Appeal Date:	Outcome:
Date Processed:	

APPENDIX 4

PROCEDURE TO BE FOLLOWED AT A FORMAL GRIEVANCE MEETING

1. At the commencement of the meeting, the Manager/Chair of Panel hearing the case will outline the nature of the grievance, the procedure to be followed and will confirm that those present understand the procedure.

2. The employee raising the grievance and/or their representative will have the opportunity to explain in detail their grievance and how they feel the issue can be resolved.

3. The Manager/Chair of Panel may wish to investigate the issues raised by the employee and/or their representative further prior to making a decision.

4. The Human Resources Adviser will be available to provide advice on policy and procedure.

5. The decision will be communicated to the employee in writing. This will detail the reasons for the decision (including the reasons for not upholding the grievance, if appropriate), any action to be taken and the employee's right of appeal. The employee will also be provided with a copy of any notes (not verbatim) taken at the meeting.

6. The Manager/Chair of Panel must ensure that any action that is to be taken as a result of the grievance meeting is carried out. Any issues that relate to a change to policies, procedures or conduct should be referred to the appropriate Officer for action.

PROCEDURE TO BE FOLLOWED AT AN APPEAL HEARING

NB: The Appeals Officer/Panel will have received a copy of the original grievance form, the written response to the grievance meeting together with any notes or documents relating to the grievance a minimum of three days before the date of the hearing.

The procedure to be followed at an Appeal Hearing is detailed below: -

1. At the commencement of the Appeal Hearing, the Appeals Officer/Chair of Panel will outline the procedure to be followed and will confirm that all those present understand the procedure.

2. The Appeals Officer/Chair of Panel hearing the appeal will outline the grounds of appeal made by the appellant.

3. The employee or their representative will detail the grounds of appeal.

4. The Appeals Officer/Chair of Panel may wish to investigate the issues raised by the employee and/or their representative further prior to making a decision.

5. The Human Resources Adviser will be present to provide advice on policy and procedure.

6. Once a decision has been made, the decision will be communicated in writing as soon as reasonably practicable after the hearing. The decision can be to uphold the

original grievance, dismiss the appeal or substitute the original decision with another decision.

7. Any recommended actions as a result of the Grievance Appeal Hearing, should be referred to the appropriate parties for action.