

**Armagh City, Banbridge and Craigavon Joint Consultation and Negotiation Forum
Wednesday 26 February 2020.**

At the meeting held on the above date, the policy was agreed.

Alan Perry

Regional Rep, GMB

Date 26.02.2020

Kevin Kelly

Regional Rep, NIPSA

Date 26.02.2020

Gareth Scott

Regional Rep, UNITE

Date 26.02.2020

POLICY CONTENTS PAGE

1. INTRODUCTION	4
2. CONTEXT	4
3. OBJECTIVE	4
4. SCOPE OF THE PROCEDURE	4
5. GENERAL PRINCIPLES	5
6. INFORMAL RESOLUTION	6
7. FORMAL PROCEDURE	7
8. RECORD KEEPING	9
9. REVIEW	10
APPENDIX 1: FORMAL EMPLOYEE GRIEVANCE FORM	11
APPENDIX 2: STAGES IN THE GRIEVANCE PROCEDURE	13

INTRODUCTION

1.1 The purpose of this procedure is to provide a fair, equitable and consistent framework for handling work related grievances raised by Council employees.

2. CONTEXT

2.1 This procedure is compliant with current legislation and reflects the provisions of the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures.

2.2 Consideration has been given to the provisions of the Disability Discrimination Act 1995 and, in particular, regarding making reasonable adjustments when dealing with grievance issues.

3. OBJECTIVE

3.1 The main objective of this procedure is to enable the Council to deal with grievances, individual and collective fairly and consistently and without unreasonable delay.

3.2 The procedure identifies to whom an employee should apply for the purpose of seeking redress for any grievance relating to employment and the steps to be followed in raising a grievance.

3.3 The procedure also identifies the type of issues which could result in a grievance and what action may be taken in dealing with it.

4. SCOPE OF THE PROCEDURE

4.1 This procedure applies to all Council employees.

4.2 Issues that may give rise to grievances and which are within the scope of this procedure include:

- The implementation and application of the Council's terms and conditions of employment
- Health and Safety
- Personal relationships at work
- New working practices
- Working environment
- Organisational change

4.3 This procedure does not apply to grievances concerning:

4.3.1 Matters where dedicated complaints or appeals procedures exist in alternative Council policies or procedures, including Dignity at Work Policy, Public Interest Disclosure Policy.

4.3.2 The outcome of disciplinary procedures, capability procedures or redundancy procedures.

4.4 This grievance procedure should not be used to address any disputes which may arise between the Council and any recognised Trade Union, nor may this procedure be used to negotiate changes in collective terms and conditions of employment.

5. GENERAL PRINCIPLES

5.1 Employees and Line Managers have a responsibility to develop effective working relationships where individual needs and expectations are recognised and respected. Employees should be able to discuss problems and misunderstandings with Line Managers and therefore resolve issues informally.

5.2 If having raised issues informally and the employee still remains dissatisfied he/she may seek to initiate the Formal Procedure. Or should the employee believe the grievance is of a sufficiently serious nature they may seek to move directly to the Formal Procedure.

5.3 All employees are entitled to use this grievance procedure and should not be subject to victimisation for having done so. Anyone found to be subjecting a complainant to victimisation may be subject to disciplinary action.

5.4 Employees found to have pursued a grievance for vexatious or malicious purposes may be subject to disciplinary action. Determinations in relation to this matter must be evidenced based.

5.5 Where an employee raises a grievance during disciplinary proceedings either:

- The disciplinary proceeding may be temporarily suspended in order to deal with the grievance; or
- Both issues may be dealt with concurrently.

5.6 Action shall be taken promptly under this procedure and specified timescales adhered to so far as is reasonably practicable. Where it is necessary to extend timescales the reasons should be recorded and all parties notified of those reasons.

5.7 As it is the aim of this procedure to resolve matters at the earliest practicable date and at the earliest stage possible, it is not anticipated that all grievances will need to go through all procedural steps.

5.8 Employees are entitled to be accompanied to a grievance meeting by a recognised Trade Union representative or work colleague. Employees do not have the right to be accompanied by a legal representative.

5.9 Mediation may be available at any stage of this procedure, subject to the agreement of all parties to participate in the mediation process. The grievance process may be suspended at this stage to allow mediation to commence. Independent mediation may be accessed from lists of trained mediators held by bodies such as the Labour Relations Agency and the Local Government Staff Commission. The final decision as to whether mediation is appropriate in the circumstances of a particular case may be made by mutual agreement. At the conclusion of the mediation process a decision will be reached as to whether or not the grievance is withdrawn or proceeded with.

- 5.10 An employee who has a grievance taken against them will be entitled to be informed of the full nature of the grievance and have an opportunity to respond. The employee will also have a right to be accompanied, during any proceedings relating to the grievance, by a recognised trade union representative or work colleague.
- 5.11 All matters relating to a grievance will be treated as far as is possible in strictest confidence by all the parties involved. Any breach of this confidence without good reason may be subject to disciplinary action.
- 5.12 The Council's Human Resource Department will have a role in providing information to employees and managers on mediation processes, in giving advice and assistance to those hearing grievances and appeals, and in ensuring adherence to policies and procedures. Correspondence issued during the formal procedure will be issued by or through Human Resources who will also ensure that appropriate records are kept.
- 5.13 This procedure will be subject to the provisions of GDPR and Freedom of Information legislation and disclosure for Industrial and Fair Employment Tribunals or other legal proceedings.
- 5.14 Notes of meeting to confirm the facts of the matter will be provided promptly (not verbatim).

6. INFORMAL RESOLUTION

- 6.1 The Council is committed to ensuring that differences and difficulties be resolved amicably through open communication and without unreasonable delay. Employees are therefore expected to make reasonable attempts to resolve any grievance informally through their line manager. If an employee feels unable to speak informally with their line manager but nonetheless wishes to resolve the matter informally, then a work colleague or trade union representative may speak to the Line Manager on his or her behalf.
- 6.2 If the line manager is the subject of the grievance then the matter should be raised with the next most senior level of management or the matter discussed with the Council's Human Resource Department.
- 6.3 Mediation may be used to resolve a grievance informally. If an employee is considering the use of mediation they may initially discuss the matter with the Council's Human Resource Department, or Trade Union Representative. No representation will be afforded at the mediation.
- 6.4 If the grievance cannot be resolved informally or if informal discussions are deemed inappropriate because of the nature of the grievance, the employee should follow the formal stages of the grievance procedure below.

7. FORMAL PROCEDURE

7.1 Stage 1: Initiating the Formal Procedure – Statement of Grievance

- 7.1.1 If an employee wishes to raise a formal grievance they should put the grievance in writing, via email or by using the Employee Grievance Form (Appendix 1) making it clear that the formal procedure is being invoked the reason why they are raising the grievance and how they wish the grievance to be resolved and submit it to the Council's Human Resource Department. The grievance should be made within 3 months of the issues occurring. If English is not the employee's first language or if the employee has difficulty with reading and writing they may seek assistance from the Human Resource Department, and the Form may be made available in other formats.
- 7.1.2 If the grievance is against another employee, the person who is the subject of Complaint will be informed of the grievance against them and will be given the opportunity to respond in writing or via a meeting with HR and the Line Manager. If grievance is not accepted by HR it may be rejected at this stage and the employee and the person the grievance was taken against informed of the reasons for this.
- 7.1.3 Where the grievance relates to a matter within the responsibility of line management, it will be dealt with by the employee's Line Manager or the next appropriate level of management.
- 7.1.4 It may be necessary to clarify the subject matter of the grievance in advance of conducting the grievance meeting. Where it is considered appropriate to conduct an investigation into the issues raised in the grievance all parties will be informed of this and of the likely timescale for the investigation.

The supervisor/line manager (or more senior manager if applicable) will arrange a meeting with the aggrieved employee(s), in conjunction with HR, within 6 working days to discuss the nature of the grievance. The aggrieved employee(s) may be accompanied by a Trade Union representative or fellow employee of their choice. The line manager/supervisor (or more senior manager if applicable) should reply, in writing, to the grievance within 10 working days of the hearing.

7.2 Stage 2: The Grievance Meeting

- 7.2.1 The employee will be invited to attend a grievance meeting with the supervisor/ line Manager (or more senior manager, if applicable) as soon as reasonably practical, and normally within 10 full working days of the formal procedure being invoked (subject to the need for investigation noted above) and will be notified of this in writing. They will also be reminded of their right to be accompanied by a trade union representative or work colleague (who will be given reasonable paid time off for this purpose) and asked to advise the Council of who they wish to accompany them. Prior to the grievance meeting the employee who raised the grievance will be provided with:

- Any documentation into the grievance prior to the grievance meeting.

The format of the grievance meeting shall include:

- An opportunity for the employee to outline their grievance and discuss any documentation relied on in support of the grievance.
- An opportunity for the Line Manager (or other senior manager hearing the grievance) to ask questions of the employee about the grievance.

7.2.2 At Stage 2 of the grievance the more senior officer will consider the response (written/oral) from the employee against whom the grievance has been raised and will, in writing, invite him/her to attend a meeting as soon as reasonably practical. They will also be reminded of their right to be accompanied by a trade union representative or work colleague and asked to advise the Council of who they wish to accompany them.

The format of the meeting shall include:

- An opportunity for the employee to outline their response to the grievance and discuss any documentation relied on in support of their response.
- An opportunity for the Line Manager (or other senior manager hearing the grievance) to ask questions of the employee about the grievance.

7.2.3 The employees and the employee's trade union representative or work colleague must take all reasonable steps to attend any grievance meetings arranged under this procedure. If the employees are unable to attend because of circumstances beyond their control the Line Manager or Human Resource Department should be informed. If an employee fails to attend without explanation, or it appears that insufficient attempts have been made to attend up to 3 occasions, a decision may be made in the employee's absence detailing their findings.

7.3 Confirmation of the Outcome of the Grievance

7.3.1 Following the grievance meeting (or final grievance meeting if more than one is held) a written decision on the outcome of the grievance, including reasons for the decision, will be prepared in consultation with the Human Resources Department and forwarded to the aggrieved employee within 10 full working days of the meeting. The employee will also be informed of their right of appeal. The employee against whom the grievance was raised will also be informed as to whether the grievance has or has not been upheld. Where a grievance is upheld all issues raised by the grievance will be dealt with expeditiously.

7.3.2 If it is determined that there are no grounds to support a grievance, and in circumstances which suggest that the grievance procedure may have been invoked vexatiously or maliciously, consideration and a decision regarding this matter will be determined by the investigating officer and forwarded to HR to be progressed. Consideration will be given to investigating the conduct of the employee bringing the grievance in line with the disciplinary Policy as stated in 5.4 above.

7.4 Stage 3 - Appeal

- 7.4.1 Employees have the right to appeal if they are not satisfied with the grievance decision. There is one appeal stage and the decision of the panel is final. All appeals must be made in writing within 10 working days of being informed of the grievance decision to the Manager specified in the grievance decision letter, stating the grounds of the appeal. If an appeal is not lodged within 10 working days, it is assumed that the employee accepts the grievance decision.
- 7.4.2 Appeal hearings shall normally be held within 10 working days of receipt of the appeal from the employee. The employee will be advised of the date, time and location of the appeal hearing, the name of the Appeals Officer and their right to be accompanied by a trade union representative or work colleague.
- 7.4.3 Copies of any documents that an employee will rely on during an appeal must be submitted at least 2 days in advance of the hearing to the person(s) hearing the appeal. Where, in exceptional circumstances it is not possible to adhere to these timescales the reasons should be recorded and the employee notified of those reasons.
- 7.4.4 At the appeal hearing the Council will be represented by a more senior manager than the manager who attended the grievance meeting. If this is not possible, a manager of similar standing and who was not previously involved will hear the appeal. Appeals against a grievance decision made by the Chief Executive will be heard by an independent panel from an external body such as another Council or the Labour Relations Agency.
- 7.4.5 The appeal will not normally take the form of a re-hearing and will usually be limited to the grounds set out by the employee in their written appeal request. The outcome of the appeal process shall be notified to the employee within 10 working days of the appeal hearing. As there is only one appeal stage it will be made clear to the employee that the decision of the Appeals Officer hearing the appeal is final.

8. RECORD KEEPING

- 8.1 The Council will keep written records at all stages of the grievance process including:
- a copy of the written grievance
 - the management response
 - actions taken, with timescales
 - other employees' responses, if applicable
 - reasons for any action taken
 - whether an appeal was lodged and if so, the outcome
 - reasons for any delay in the process
 - records of meetings (to be agreed with participating parties)
 - subsequent developments
 - recommendations and details sent to Managers following the grievance process, if applicable.

9. REVIEW

This procedure will be reviewed regularly by the Council and, if necessary, revised following negotiation with recognised Trade Unions in light of changing legislation and the LRA Code of Practice

3. SUMMARY/RESPONSE OF MANAGER (TO BE COMPLETED FOLLOWING GREIVANCE PROCESS.

Grievance Upheld	Yes /No	Signature		Date	
Comments					

4. REQUEST FOR MEDIATION

SIGNATURE		DATE	
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5. SUMMARY RESPONSE

Grievance Upheld	Yes /No	Signature		Date	
Comments					

STAGES IN THE GRIEVANCE PROCEDURE

