

Isle of Wight Council
**GRIEVANCE RESOLUTION
POLICY**

Policy Information	
Policy Title	Grievance Resolution Policy
Policy Purpose	To provide a fair and transparent process for individual employees to raise problems relating to their employment and to try to resolve these with their manager, or within their Service or School.
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Policy Date	April 2021
Supersedes	<ul style="list-style-type: none"> • Grievance policy v.9
Consultation	Consulted and agreed with all recognised Trade Unions
Scope	<p>This policy applies in its entirety to all Council employees, Isle of Wight Fire and Rescue Service who are covered by Grey or Gold book conditions, all School employees, including Support Staff, Teachers and the Headteacher, Chief Officers and School Governors. It does not apply to contractors or agency workers.</p> <p>Where appropriate, this policy will be updated to account for any changes in legislation without further consultation</p> <p>This policy is non-contractual and therefore does not form part of the employee's contract of employment and the Council reserves the right to amend or replace this policy at any time.</p>

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1 POLICY STATEMENT

The Isle of Wight Council believes that all employees should be treated fairly and with respect. The aim of this policy is to ensure that all employees have an appropriate way to raise any issues with their manager that affect their working environment or working relationships and try and resolve these informally in the first instance.

If the grievance relates to your manager, you should raise it with the next level of management. If it relates to a work colleague, or colleagues, you should be aware that they will be informed of the nature of the grievance against them and given copies of any relevant documentation including the investigation report and the opportunity to fully respond to allegations made against them. In cases where it is not deemed in the best interests of the council / school or its staff to disclose the report, it may be withheld but the involved parties will receive information about the outcome of the investigation and decision in a sensitive manner appropriate to the situation.

In the case of schools, if the complaint is against the Headteacher or a member of the School Governing Body, the matter should be raised with the Chair of Governors. If the grievance is against the Chair of Governors then the matter should be raised via HR.

If your complaint relates to allegations of bullying and/or harassment, the matter should be dealt with under the Council's Harassment and Bullying Policy.

Employees who have left employment do not have any statutory right to raise a post-employment grievance. However, a modified procedure, in consultation with the individual, may be allowed (See Appendix B).

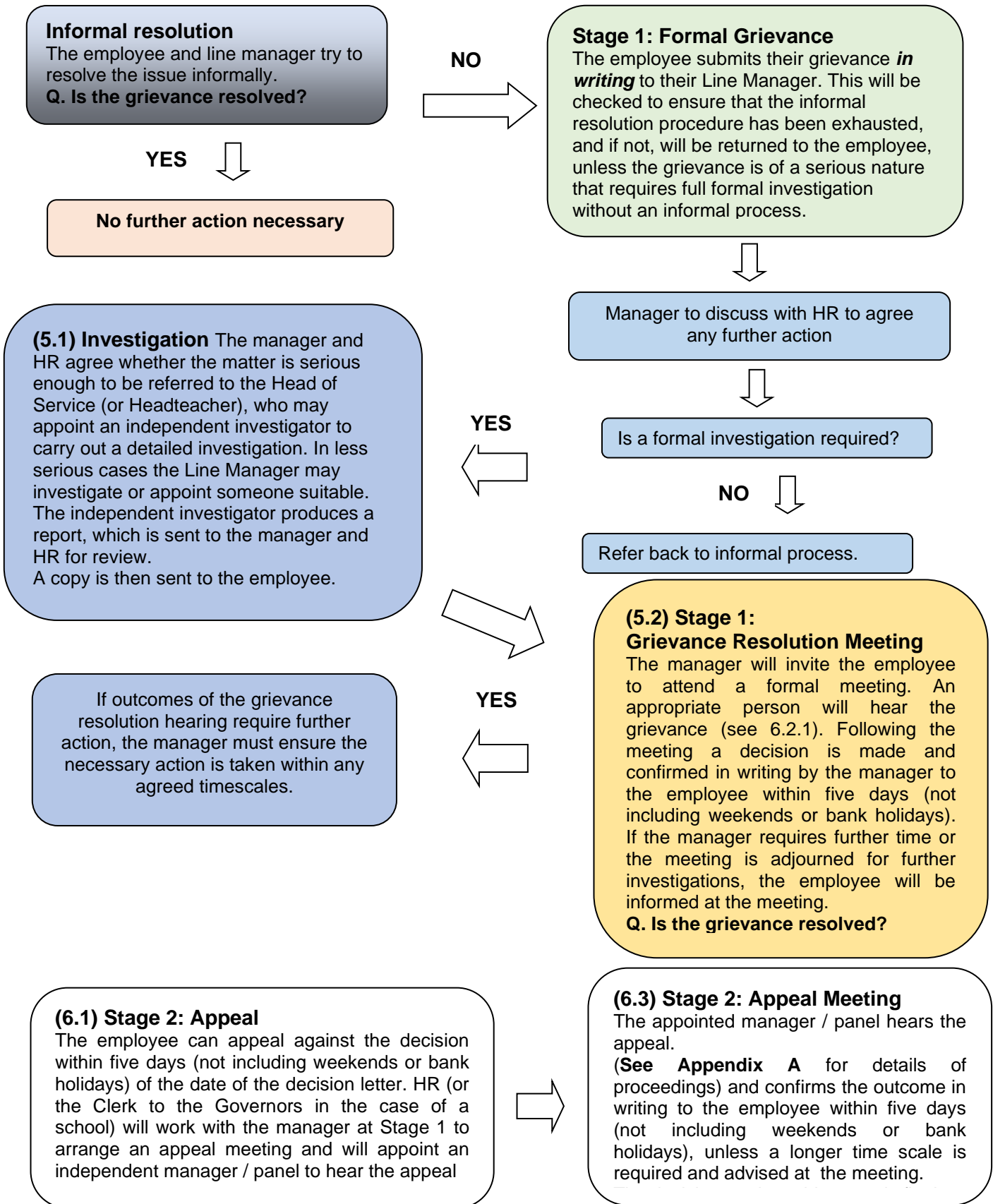
It is expected that an employee and management will seek to resolve any concerns informally in the first instance (see Section 4). If an agreement is not reached informally or circumstances make this route inappropriate (e.g. allegations of misconduct that require formal investigation) the matter can be raised formally under this grievance procedure. This should relate only to how you believe you have been treated by the Council, School or other service or managers acting on their behalf, colleagues or any aspect of your work.

Where investigations uncover wrongdoing by either the grievance raiser or any other individual, the Council may take appropriate formal action under the Disciplinary Policy. Likewise, where persistent or vexacious grievances are raised, the Council reserves the right to take formal action against perpetrators under its Disciplinary Policy.

Grievances raised whilst you are the subject of disciplinary investigations or proceedings will generally be heard once the disciplinary process is complete. Complaints about any disciplinary action taken against you should be dealt with via the Appeal process of the Disciplinary Policy.

- 1.1** *Staff who submit grievances or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way may be subject to disciplinary action under the Council's Disciplinary Policy.*

2 PROCEDURAL FLOWCHART



3 INFORMAL RESOLUTION

Where an employee raises an issue with their manager, every effort should be made to resolve their complaint as soon as possible, through day-to-day management and without recourse to the formal procedure.

Resolving issues as soon as possible avoids them escalating to the formal process. It is much harder to re-establish good working relationships when the issues escalate to the formal process as positions can become entrenched. Particularly in cases involving employees who work together, the sooner the issues are resolved the sooner the working relationship can begin to improve. This is where mediation can achieve good outcomes.

Whilst the aim would be to resolve issues informally, there may be circumstances where an issue raised as an informal complaint has to be addressed by a manager formally. This may result in other procedures being invoked e.g. where there are misconduct issues.

3.1 MEDIATION

In some cases mediation can offer a suitable alternative to proceeding with a formal grievance. This involves a neutral third party who will work with those concerned in an attempt to find a suitable and mutually agreed resolution. This is generally reserved for cases where the grievance only involves two parties and is only attempted if both parties agree. Further details can be obtained from your HR Adviser.

4 RAISING A GRIEVANCE

A grievance should be raised in writing and submitted to your Line Manager/Head of Year in the first instance. If the grievance relates to your Line Manager/Head of Year it should be submitted to the next level of management/Chair of Governors. It is important that you set out clearly the nature of your grievance, indicate the outcome you are seeking and what actions, if any, have already been taken to try to resolve it.

Grievances are concerns, problems or complaints that employees may wish to raise with management, which may relate to their work, working conditions or relationships with colleagues. The Code does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry.

Issues that may cause grievances include:

- Terms and Conditions of Employment
- Health and Safety
- Work Relations
- Bullying and Harassment
- New Working Practices
- Working Environment
- Organisational Change
- Discrimination

Grievances cannot be raised against a reasonable management decision just because you disagree, i.e. being allocated equipment suitable for your role, refusing annual leave requests for a valid reason.

In all cases, if you wish to complain you should take action as soon as possible and preferably within 20 days (not including weekends or bank holidays) of the incident or the last incident that occurred to give rise to the grievance. Grievances about events that happened more than 2 months ago will not normally be accepted.

If your grievance relates to allegations of bullying and harassment, please refer to the Harassment and Bullying Policy for the procedure to be followed.

4.1 GRIEVANCES AGAINST OTHER EMPLOYEES

Where a grievance raised relates to another employee the manager has a responsibility to inform that employee that a grievance has been raised against them. They will be provided with a copy of the written grievance, or a summary of the allegations made against them if the grievance also raises other matters that do not affect them.

The investigation report will usually be disclosed to the complainant and those against whom allegations have been made. In cases where it is not deemed in the best interests of the council / school or its staff to disclose the report, it may be withheld but the involved parties will receive summarised information about the outcome of the investigation and decision.

Where allegations against another employee are not upheld, the employee complained about will receive confirmation of this in writing, either by email or letter.

4.2 RECORDING OF MEETINGS

The employee, or any person attending or acting on his/her behalf, are not permitted to record electronically any meeting held by the council/school as part of the grievance procedure. All meetings will have written notes taken which are distributed to all parties and amendments

can be requested if any party feels that parts of the meeting have not been accurately recorded. These notes are intended to capture the main points of the meeting and are not verbatim.

5 STAGE 1 – FORMAL GRIEVANCE

If efforts to resolve the grievance informally have failed, or the issue is considered, following discussions between the line manager and HR Adviser, to be too serious for informal resolution, it will proceed to the formal grievance procedure.

The investigating officer will carry out an investigation. You will be informed that this is happening and the name of the person who is conducting the investigation. You may be asked to attend a meeting if clarification of your grievance or further details are required.

The investigating officer will gather evidence as appropriate. This may include speaking to witnesses or other members of staff, looking at written evidence (emails, letters, minutes of meetings etc.), CCTV etc.

The investigation should be completed as soon as is practicable, taking into account diary commitments, availability of witnesses etc. Usually this would be completed within 20 working days however in some cases will take longer.

5.1 INVESTIGATION REPORT

Once the investigation is completed, the investigating officer will prepare a report and include their recommendations to resolve the grievance. The report will initially be sent to the Line Manager and HR.

In advance of the grievance resolution meeting a copy will also be sent to the employee and to any other employee against whom any allegations have been raised.

The investigation report will usually be disclosed to the complainant and those against whom allegations have been made. In cases where it is not deemed in the best interests of the council / school or its staff to disclose the report, it may be withheld but the involved parties will receive summarised information about the outcome of the investigation and decision.

5.2 FORMAL GRIEVANCE RESOLUTION MEETING

The Line Manager/Head of Service (or other manager to whom the grievance has been raised) will arrange a date for the grievance resolution meeting. This will include booking a room, arranging a note taker and inviting all required parties.

The meeting will be held as soon as practicable and will not be unreasonably delayed. It will be conducted by the Line Manager/Head of Year (or more senior manager where appropriate) and attended by an HR representative and note taker.

You have the right to be accompanied by a work colleague or trade union official at any grievance meeting or subsequent appeal. The trade union official need not be an employee of the organisation, but if he/she is not a work colleague or an employee of his/her union, the organisation may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

Please note that individual workers are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the organisation and you, so any questions put directly to you should be dealt with by and not your companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, preferably within five working days of the original scheduled date.

The manager will write to the employee within five days (not including weekends or bank holidays) of the hearing to inform them of their decision. A decision may not always be given on the day of the hearing.

Please see the hearing agenda at Section 6.3 for format to follow at the hearing.

6 STAGE 2 - APPEAL

You have the right to appeal against the decision of the hearing manager if you do not agree with the outcome. This appeal should be made within five days (not including weekends or bank holidays) of receipt of the letter giving you the decision and should be sent, in writing, to Human Resources at County Hall or the Clerk to the Governors in the case of schools.

Please give your reasons for appealing under one of the following grounds:

- the decision: the evidence did not support the conclusion of the manager; and / or
- new evidence: evidence has come to light since the grievance resolution meeting and was not reasonably available at the time of that meeting; and / or
- it is considered that the grievance procedure was not followed correctly

6.1 ARRANGING THE APPEAL HEARING

The manager who chaired the grievance resolution meeting will arrange an appeal hearing, normally within 15 days (not including weekends or bank holidays) of receipt of the written notice of appeal, taking into account the availability of the parties attending. This process will not be unduly delayed.

The hearing will be chaired by a manager more senior than the original hearing manager.

The employee will have the right to be accompanied by a trade union representative or work colleague. They must take all reasonable steps to attend. Account will be taken of any reasonable adjustments required under the Equality Act 2010.

Where either the employee and / or their companion / representative is unable to attend the appeal meeting for good reason, the meeting will be reconvened within five working days of the original meeting date or on another date which is mutually agreed by the parties.

The employee must provide any supporting evidence for the basis of their appeal to HR at least seven days (not including weekends or bank holidays) prior to the appeal meeting date. The employee must also provide the names of any witnesses they wish to call.

The manager who made the decision at Stage 1 will be required to attend the appeal meeting to respond to the grounds of the appeal.

6.2 SCHOOLS APPEALS PROCEDURE

The procedure for schools is as above however with the following additions / amendments.

In the case of schools, the appeal will be heard by an Appeals Committee consisting of three Governors, who will not have been involved in any part of the proceedings to date. Staff, governors and others who participated in previous proceedings may attend to give evidence, but must be excluded during consideration of the decision by the committee.

Where the grievance has been raised by a Chief Officer, the right of appeal will be to another panel of members. Members who participated in previous proceedings may attend to give evidence, but must be excluded during the consideration of the decision by the Committee. The Clerk to the Governors will write to the employee to invite them to attend an appeal meeting.

The employee must provide any supporting evidence for the basis of their appeal to the School's Clerk to the Governors, at least seven days (not including weekends or bank holidays) prior to the appeal meeting date. The employee must also provide the names of any witnesses they wish to call.

6.3 HEARING AGENDA

The format for grievance outcome and appeal hearings will normally be as follows:

1. The Chairperson will introduce the parties and explain the purpose of the meeting and how it will be conducted. The Chairperson will state that the meeting is being conducted as part of the Council's formal grievance procedure and confirm that a written record of the meeting is being made.
2. The Chairperson will invite the employee to state their case. The employee's representative may do this on their behalf. As part of the employee's presentation any witnesses may be called into the hearing one at a time. The Chairperson, Committee or Panel members and other parties (e.g. the manager, case investigator and / or any other appropriate parties named in the grievance) may ask any questions about the circumstances of the case to each witness in turn.
3. When the employee or their representative has completed their presentation, the Chairperson and the other parties may ask any questions about the circumstances of the grievance in order to establish all the relevant facts, background and surrounding circumstances.
4. The Chairperson will invite the manager and / or investigator to present their case. As part of the presentation any witnesses may be called into the meeting one at a time. The Chairperson, Committee or Panel members, and the employee and / or their representative may ask any questions about the circumstances of the case to each witness in turn.
5. When the manager and / or investigator has completed their presentation, the Chairperson, Committee or Panel members, and the employee and / or employee's representative may ask any questions about the circumstances of the case.
6. At any point during the meeting, the Chairperson may adjourn the proceedings to gather further information or investigate any allegations made. Any party may also make a request to the Chairperson for an adjournment at any time during the grievance meeting. A date and time to reconvene should be agreed between the parties.
7. Once all the evidence has been heard, the Chairperson may sum up the key points of the meeting, or invite the parties to do so, allowing the employee to have the final word after which there should be an adjournment for the panel to consider all the information.
8. The Chairperson will try to reach a decision on the day of the appeal meeting. However, if this is not possible, the Chairperson will inform the employee of their decision, in writing, within five days (not including weekends or bank holidays).
9. The decision will be final and there will be no further right of appeal.
10. A record of the decision will be kept on the employee's record as per the relevant GDPR legislation.

Appendix A – Grievance Resolution Form

Name of Employee:	
Job Title:	
Section:	
Department / Station:	
1. Please outline the nature of your grievance. Give examples and background details, such as names of witnesses, dates and places and any other relevant information which may be helpful. Please continue on additional sheet(s) if required.	
2. Have you previously discussed your grievance informally with your manager?	Yes / No Circle as appropriate
3. If yes, please state when you did this and why you remain dissatisfied with the outcome. If no, please return to the informal stage of the grievance procedure.	
4. Please state how and why the grievance affects you.	
5. What would you like to happen now as a result of your grievance and what is your proposed resolution?	

Signed: Date:

Print name:

Appendix B – Modified Procedure for post-employment grievances

The employee must set out their grievance in writing within 28 days of their employment ending stating:

- i) What the grievance is;
- ii) Who is involved or witnessed anything, and
- iii) The basis for believing this should be treated as a grievance.

The employee must send the statement or a copy of it to the relevant HR Adviser or Head of Human Resources.

The HR Adviser or Head of Human Resources must set out their response in writing and send the statement or a copy of it to the employee within 28 days (not including weekends or bank holidays) of receipt of the grievance.

There is no right of appeal under the modified procedure.