



Grievance Policy

Report by the Director for Digital & Resources

1.0 Summary

- 1.1 This report seeks approval of the Adur & Worthing Councils Grievance Policy.
- 1.2 The proposed new Adur and Worthing Councils Grievance Policy is attached as Appendix 1, and would replace the current Adur and Worthing Councils Grievance Policy and Dignity at Work Policy.

2.0 Background

- 2.1 The current Grievance Policy was last updated/agreed on 18th September 2013 and the current Joint Dignity at Work Policy was last update/agreed on 25th June 2013.
- 2.2 The organisation is intending to review all HR policies over the following 18 months in a three-phased approach. The new Grievance Policy is one of the policies being produced as part of the first phase of the policy review project.
- 2.3 The grievance procedure exists to enable individuals or groups of individuals to raise issues with the Councils about their work, or about manager's or other worker's actions that may affect them.
- 2.3 The policy applies to all employees at all levels of the organisation in both Adur and Worthing Councils.

3.0 Proposals

- 3.1 The aim of the policy review is to simplify the policies, to make them more user friendly and to back them up with a management toolkit, which will include guidelines, process flowcharts and templates for the managers.
- 3.2 The changes to the policy and the rationale for those changes are detailed in Appendix 2.

4.0 Legal

- 4.1 The Grievance Policy would be classed as a contractual policy and therefore form part of the terms and conditions of employment.
- 4.2 Section 112 Local Government Act 1972 provides the Council with the power to appoint staff on the terms and conditions that they consider fit.

5.0 Financial implications

- 5.1 There are no direct financial implications arising from the policy.

6.0 Recommendation

- 6.1 The Joint Staff Committee is recommended to approve the Grievance Policy, with an implementation date of 1st January 2018.

Local Government Act 1972

Background Papers:

Adur and Worthing Councils current Grievance Policy available at [Grievance Policy](#)
Adur and Worthing Councils current Joint Dignity at Work Policy available at [Dignity at Work Policy](#) and [Dignity at Work Procedure](#)

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Schedule of Other Matters

1.0 Council Priority

1.1 The Councils are committed to providing a working environment in which employees, members and volunteers are treated with dignity, respect, courtesy and fairness at all times.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 The Equality Impact Assessment for the policy is attached as Appendix 3.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Failure to have an agreed approach to managing grievances could result in negative reputational damage to the Councils.

8.0 Consultations

8.1 Unison have been consulted with and have agreed the policy.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.



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Grievance Policy

1.0 Overview

- 1.1 The grievance procedure exists to enable individuals or groups of individuals to raise issues with the Councils about their work, or about manager's or other workers' actions that may affect them. In the event of a collective grievance the words 'groups of employees' should be substituted for 'employee' throughout this policy.
- 1.2 It should be noted that issues which are the subject of collective negotiation or consultation will not be considered under the grievance policy.
- 1.3 The Councils aim to resolve grievances as rapidly and effectively as possible and will do so in accordance with the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.

2.0 Who is covered by the policy?

- 2.1 This procedure applies to all employees at all levels of the organisation.
- 2.2 Any grievances arising as a result of infringements of dignity at work will also apply to volunteers and anyone who is carrying out work in behalf of the Councils.

3.0 Dignity at Work

- 3.1 The Councils believe that discrimination, harassment, bullying or victimisation as defined by the ACAS Code of Practice is harmful to employees, members, volunteers and the organisation. It can have a serious effect upon the health, confidence, morale and performance of those affected and can damage the reputation of individuals and/or the organisation.
- 3.2 Both the Councils and the harasser/bully may be liable for any discrimination, bullying, harassment and victimisation.

- 3.3 The Councils are committed to providing a working environment in which employees, members and volunteers are treated with dignity, respect, courtesy and fairness at all times and will take all reasonable steps to prevent such behaviour through:
- a) Not tolerating behaviour by those working on behalf of the Councils which is perceived to be discriminatory, bullying, harassment or victimisation;
 - b) Taking all reasonable steps to prevent such behaviour through education, training, example and disciplinary action; and
 - c) Addressing all allegations to ensure that the working environment is free from such behaviour.
- 3.4 All employees have the responsibility for ensuring dignity at work. Individual areas of responsibility are:
- **Corporate Leadership Team** – publicising the policy
 - **HR team** - reviewing this policy to ensure it is effective
 - **Managers** - responsible for ensuring that they are aware of what is happening within their areas of responsibility and taking appropriate action when they see unacceptable behaviour. This could include providing relevant training, discussions in supervisions, directing staff to the Employee Assistance Programme or Occupational Health.
 - **Employees, volunteers and those working on behalf of the Councils** – complying with the spirit and wording of this policy and ensuring their behaviour does not cause offence or misunderstanding
- 3.5 If a member of staff believes their dignity at work is being compromised, they should speak to their line manager or another manager if the matter relates to their line manager and, if corrective action is not taken, raise their concerns through the grievance policy and procedure.

4.0 What can a grievance be about?

- 4.1 Typical areas that may cause grievances include (but are not limited to):
- (a) Concerns about Health & Safety or the working environment;
 - (b) Infringement of dignity at work;
 - (c) Discrimination on the grounds of a protected characterisation (as defined in the Equality Act 2010). This could be with regards to age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity; and
 - (d) Failure to follow a Council process
- 4.2 This procedure does not apply to collective grievances raised by a representative of unison. These will be dealt with through the appropriate channel according to the facts of the case.
- 4.3 The Councils encourage members of staff who have disagreements or concerns to try to resolve them informally before considering further action under this policy.

- 4.4 Additionally, there are some situations where raising a grievance is not the appropriate channel, typically where there is a separate policy or procedure such as the non-exhaustive list of examples in the table below:

Scenario	Appropriate channel
Appeals against job grading	Pay and Reward Policy
Appeal against flexible working request outcome	Flexible Working Policy
Responses to sickness management procedures	Sickness Management Policy
Responses to disciplinary procedures	Disciplinary Policy
Responses to performance support procedures	Performance Support Policy
Responses to proposals for restructure	Managing People Change Policy
Whistleblowing	Whistleblowing Policy
Statutory adjustments to pay (i.e. national insurance)	The payroll team or tax office
Former Adur & Worthing employees	Corporate Complaints Procedure
Appeal against essential car user status decision	Business Travel Policy & Procedure

- 4.5 Written grievances received from an employee will be placed on their personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy and Document Retention Policy.

5.0 The Procedure

- 5.1 The procedure for raising a grievance informally and formally, which is in line with the ACAS Code of Practice, is detailed below.

Informal procedure

- 5.2 The Councils encourage individuals to resolve issues informally wherever possible. This should be the first recourse in the majority of cases. Where a genuine cause for complaint cannot be resolved informally, an individual can raise a grievance.

Formal procedure

- 5.3 If it is not possible to resolve a grievance informally, employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. If the line manager is the subject of the grievance, the manager above would normally deal with the grievance. There may be circumstances when this is not appropriate and in such circumstances the HR team will advise on who the appointed manager should be.
- 5.4 The manager will:
- Arrange and hold a formal meeting without unreasonable delay. This will be usually take place within 7 calendar days of receiving a formal grievance;
 - Investigate the issues as needed; and
 - Inform the employee(s) in writing of the outcome of the investigation within 7 calendar days of the meeting (unless this is extended by mutual agreement). This letter will detail whether the grievance is upheld, partially upheld or not upheld and any actions that will be taken as a result of the grievance
 - Make the employee aware of their right to appeal as set out in section 8
- 5.4 As part of the formal grievance procedure, the appointed manager may explore whether workplace mediation is a suitable option to resolve the grievance. If it is deemed to be an appropriate method to resolve the conflict, the parties involved will be provided with information.
- 5.5 The investigating manager will conduct the investigation in a timely manner and keep the employee updated regarding timelines.

6.0 Witnesses

- 6.1 A grievance may raise matters about which the manager is uncertain or does not have all the background facts. If necessary, the manager will interview employees, managers and possibly people outside the organisation during the course of the grievance.
- 6.2 Both the investigating manager and the employee can request witness statements, either verbal or written to aid the investigation. It is the responsibility of each side to arrange their own witnesses. Acting as a witness is voluntary and no one is under obligation to do so.

7.0 Support and the right to representation

- 7.1 Employees are encouraged to access the Employee Assistance Programme detailed on the intranet. Trade unions also provide advice and support to their members.
- 7.2 Employees have a right to be accompanied at all formal meetings or appeal by a trade union representative or an Adur & Worthing workplace colleague. Accompanying someone is voluntary and an employee's colleagues are under no obligation to do so. If they agree to do

so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.

- 7.4 It is the responsibility of each employee to arrange their own trade union representative or an Adur & Worthing workplace colleague, pass on all details (such as paperwork, meeting information) and to inform the manager at least 3 days in advance of the meeting who will be accompanying them.
- 7.5 There is no right to legal representation at any stage of this procedure. Legal representatives, including lawyers employed by the Councils, whether or not acting in any official capacity have no right to accompany an individual.
- 7.6 The trade union representative or Adur & Worthing workplace colleague may make representations and ask questions during any formal meetings. They do not, however, have the right to answer questions on the employee's behalf, address a hearing if the employee does not wish it or prevent any other party from explaining their case.
- 7.7 If an employee has difficulty at any stage of the procedure because of a special need, disability or because English is not their first language, the employee, trade union representative or Adur & Worthing workplace colleague should discuss the situation with their line manager (as appropriate) or Human Resources as soon as possible, so appropriate assistance can be put in place.
- 7.8 If the employee is unable to attend the meeting for whatever reason (i.e. ill health), the employee (or in exceptional circumstances, the trade union representative/Adur & Worthing workplace colleague) must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.
- 7.9 If an individual's trade union representative or Adur & Worthing workplace colleague is unable to attend the meeting date or time, the individual should first see if another representative/Adur & Worthing workplace colleague can attend to support in their place. If this is not possible, the employee must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.
- 7.10 The employee must make every effort to attend formal meetings; failure to attend without good reason may be treated as misconduct as assessed by the investigating manager. If the employee fails to attend without good reason, or is unable to attend the rescheduled meeting, it may go ahead in his or her absence on the available evidence.
- 7.11 Managers have a right to be accompanied at all formal meetings or appeals by a Human Resources representative. The role of the Human Resources representative is to advise the manager on policy/procedure. The manager is the decision maker.

8.0 Right to Appeal

- 8.1 There is no right of appeal against the outcome of the informal stage of this procedure.
- 8.2 If the employee wishes to appeal the outcome of a grievance, they should appeal in writing to their Director, copying in Human Resources, within 7 calendar days of receiving the written decision, stating the full grounds for appeal.
- 8.3 The appeal will be dealt with impartially and wherever possible by a manager who has not previously been involved in the case. The appeal will be organised as soon as practicably possible, usually within 14 calendar days of receipt of an appeal.
- 8.4 Appeals may only be raised on the grounds of:
- a) Procedure – where a failure to follow procedure had a material effect on the decision;
 - b) Decision - the evidence did not support the conclusion reached or is inconsistent with other decisions within the Councils; or
 - c) New evidence - which has come to light.
- 8.5 The outcome of an appeal is final.
- 8.6 Further details of the appeal can be found in the Grievance Procedure documents available on the intranet or available in the place of work.

9.0 Monitoring and Review

- 9.1 This policy will be monitored and reviewed on a regular basis by the Human Resources team with a thorough review taking place in three years if required.

10.0 Legislative framework

- 10.1 This policy has been written in reference to the following documents:
- ACAS Code of Practice on disciplinary and grievance procedures
 - Employment Act 2008
 - Data Protection Act 1998
 - Equality Act 2010

Date policy agreed with Unison: 8 November 2017
Date agreed by Joint Staff Committee: TBC
Date for review: 3 years from formal adoption of policy

Grievance Policy

What's changed?	Old policy	New policy	Why?
Amalgamation of <i>grievance</i> and <i>dignity at work</i> policy	Two separate policies	One amalgamated policy which covers both <i>grievance</i> and <i>dignity at work</i> .	The old <i>dignity at work</i> policy had no process for how to deal with any complaints. It made sense to bring both policies together and to create a clear process for dealing with both grievances and dignity at work infringements.
Clarifying appropriate channels for resolving workplace issues (where recourse to grievance policy is not appropriate)	No information in old policy	<ul style="list-style-type: none"> Appeals against job grading → pay & reward policy Appeal against flexible working request outcome → flexible working policy Responses to sickness management procedures → sickness management policy Responses to disciplinary procedures → disciplinary policy Responses to performance support procedures → performance support policy Responses to proposals for restructure → managing people change policy Whistleblowing → whistleblowing policy Statutory adjustments to pay (i.e. national insurance) → payroll team Former Adur & Worthing employees → corporate complaints procedure Appeal against essential car user status decision → business travel policy 	Not all workplace complaints should be dealt with through grievance. The inclusion of this detail in the new policy clarifies processes for dealing with a variety of non-grievance complaints.



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Equality Impact Assessment – Grievance Policy

Name of project/policy/strategy (hereafter referred to as “initiative”):

Grievance Policy

Provide a brief summary (bullet points) of the aims of the initiative and main activities:

The Grievance Policy and Procedure provides employees with a course of action if they are upset or have concerns which they are unable to resolve through regular communication with their line manager. The aim of the policy is to ensure that any grievance relating to employment is settled fairly and without unreasonable delay. We follow the ACAS Code of Practice to ensure we comply fully with employment legislation.

Anticipated outcomes of the policy are that grievances are settled fairly, staff feel valued and supported in the workplace.

Project Manager: Amy Newnham**Date: November 2017****Stage 1: ‘Screening’**

This stage establishes whether a proposed initiative will have an impact on equality groups, (age, disability, gender, race, religion/belief, sexual orientation), or whether it is “equality neutral” (i.e. have no effect either positive or negative). So for example in the case of gender impact, consider whether men and women are affected differently.

Q.1. Who will benefit from this initiative? Is there likely to be a positive impact on specific equality groups (whether or not they are intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality “neutral”? i.e. will have no particular effect on any group.

The ultimate beneficiaries of the policy review are employees who will hopefully feel more confident in raising issues in the workplace due to this clear policy and the supporting resources which will be available for the policy rollout.

It is felt that this policy will be ‘neutral’ for those covered by a protected characteristic under the Equality Act as described below.

Equality considerations:

Age – We recognise that younger people *may* be less confident about raising grievances. A range of advice and assistance will be available from via the resources available on the intranet and publicising the Employee Assistance Programme to help mitigate any negative impact. Work will also take place to ensure that all managers are trained in the application of the policy and procedures.

Disability – We recognise that grievance procedures may exacerbate mental health issues. People with existing mental health issues may already have difficulties with personal resilience and this may add to anxieties around raising a grievance. Mitigation measures including the Employee Assistance Programme to alleviate additional stress

arising from the grievance process for those raising the grievance and those subject to the grievance. Work will also take place to ensure that all managers are trained in the application of the policy and procedures.

Gender Reassignment – People from this group are more susceptible to victimisation from other staff and therefore feel less able to raise a grievance. Mitigation measures including the Employee Assistance Programme to support those raising the grievance and those subject to the grievance. Work will also take place to ensure that all managers are trained in the application of the policy and procedures.

Marriage and civil partnership - equality implications due to marriage and civil partnership have been considered and none have been found.

Pregnancy & Maternity – There could potentially be issues around raising concerns for women who are pregnant or on maternity leave. This could be due to personal stress and vulnerabilities caused by the pregnancy or because of the time away from the workplace. Mitigation measures including the Employee Assistance Programme to alleviate additional stress arising from the grievance process for those raising the grievance and those subject to the grievance. Work will also take place to ensure that all managers are trained in the application of the policy and procedures.

Race/ethnicity - equality implications due to race/ethnicity have been considered and none have been found.

Religion & belief - equality implications due to religion/belief have been considered and none have been found.

Sexual orientation – LGB people are more susceptible to victimisation from other staff and therefore feel less able to raise a grievance. Mitigation measures including the Employee Assistance Programme to support those raising the grievance and those subject to the grievance. Work will also take place to ensure that all managers are trained in the application of the policy and procedures.

Sex – equality implications due to sex have been considered and none have been found.

Q.2. Is there likely to be an adverse impact on one or more equality group as a result of this initiative? If so, who may be affected and why? Or is it clear at this stage that it will be equality “neutral”?

Consultation has taken place with Unison and no significant concerns have been raised about equality issues due to protected characteristics.

Q.3. Is the impact of the initiative - whether positive or negative - significant enough to warrant a more detailed assessment (Stage 2 - see guidance)? If not, will there be monitoring and review to assess the impact over a period of time? Briefly (bullet points) give reasons for your answer and any steps you are taking

to address particular issues, including any consultation with staff or external groups/agencies.

Due to the response in Q2, it is felt that a more detailed assessment is not required at this time. Where impacts have been found, sufficient mitigation is in place (i.e. the Employee Assistance Programme and management training) which it is hoped will ensure no group is adversely impacted. The policy will be reviewed in 3 years' time and at this point, the equality impact assessment will also be reviewed to ensure that the impact on those covered by the Equality Act remains "neutral".