

GRIEVANCE AND DISPUTES PROCEDURE

PURPOSE AND APPLICATION

All employees of the City Council have a right to raise any grievance relating to their employment and have it settled fairly and without undue delay. This procedure applies to all employees including trainees involved in youth and adult training schemes and sessional employees, but excludes school based employees for whom separate procedures exist. It applies to all areas of employment, except those for which there is an appeal or complaints procedure, and the Relocation Scheme for newly appointed staff.

The procedure applies to probationary and temporary employees, up to stage 2.

General Principle

1. Any issue will be dealt with quickly and whenever possible by the employee's immediate supervisor. This is to enable the supervisor, particularly if the complaint is about their actions, to put it right.
2. The grievance procedure is intended to protect staff who are the victims of unfair/unacceptable treatment. Supervisors will be expected to deal reasonably and helpfully with an employee's complaint; equally employees will be expected not to challenge reasonable management actions. In most cases it is the intention of this procedure that grievances will be resolved at the informal stage. Where a grievance is referred to the next stage, both the supervisor and employee will be expected to show what steps they have taken to achieve a reasonable solution to the problem. The procedure ensures that an appeal is not heard by the person against whom the grievance was originally submitted.
3. Recognising that raising a grievance can be stressful, the procedure allows an employee to be accompanied by a person of their choice who may be a shop steward/staff representative. Either party may ask for Human Resources to be present.

Where the grievance concerns a larger group of employees they may be represented by their shop steward/staff representative who will normally meet the supervisor on their behalf.

4. Any issues must be dealt with fairly and strictly in accordance with the City Council's established policies, in particular the Equal Opportunities Policy.
5. There will be no victimisation of any employee who raises a grievance.
6. Raising a grievance will not delay any action being taken under the Council's disciplinary or capability procedure.
7. An employee will be given access to information relating to the grievance except where there is a need for confidentiality to be maintained, eg relating to personal information of other employees. Where a request for information is unreasonably denied, this may form part of the grievance.

The Stages

Stage 1 Raising the problem with the supervisor

Stage 2 Referring the problem to the Director

Stage 3 Grounds for Appeal

Stage 4 Disputes only - Conciliation

STAGES OF THE PROCEDURE

Stage 1: Raising the problem with the Supervisor (informal stage)

Any aggrieved employee or group of employees, with a complaint or problem at work should contact their immediate supervisor in writing about it within ten working days of receiving notice of/or the most recent decision or the event. Verbal submissions of a grievance will not be accepted.

The supervisor will try to settle the grievance as quickly as possible ensuring relevant advice is taken from Human Resources and senior management where appropriate and, in any case, must respond within ten working days. Where the supervisor is prevented from resolving the issue within this time limit the employee will be told the reasons for the delay and a deadline will be set for a final response.

The supervisor will respond in writing and, if not satisfied with the answer, the employee may proceed to Stage 2 within five working days.

Complaints may also be referred directly to Stage 2 with the agreement of both parties.

Stage 2: Appeal to the Director

At this stage the employee will write to their Director within ten working days of registering the appeal giving full reasons for their grievance, including reasons why the supervisor's response at Stage 1 is unsatisfactory. An employee may seek assistance in preparing this written statement. Notification of any witnesses to be called must also be given at this stage. The Director (or delegated senior manager) will give this to be the supervisor, who will be required to respond in writing to the Director within 5 working days, with a copy to the employee. Notification of any witnesses to be called must also be given. The hearing will normally take place within 10 days of the employee's case and management's response having been received.

NOTE:

- (1) Where the grievance is directly about the Director, Stage 2 will be heard by the Chief Executive or an officer specifically nominated for the case. A grievance against the Chief Executive will be heard by the Local Appeals Committee.
- (2) Where it is the Director who is aggrieved, the Chief Executive will hear the grievance and any appeal will be to the Local Appeals Committee.
- (3) Time limits in this procedure are expressed in working days. These are deemed to be Monday - Friday in all cases. Except in exceptional circumstances both sides will be expected to adhere to the time limits set. Failure to observe these time limits may result in either party losing their rights under the procedure if there is no acceptable reason.

The Grievance Hearing

The aggrieved employee will explain the problem, followed by the supervisor who made the decision at Stage 1 explaining how this was reached. Each party may call witnesses as appropriate. Both parties will refer to their written statements to try to show that they have tried to reach a reasonable solution to the problem.

Further complaints and/or new evidence will not normally be permitted at this stage.

In reaching the decision the Director or delegated senior manager will normally be advised by Human Resources from within the division involved or, where appropriate, from another division.

After the hearing the employee and the supervisor will be notified of the decision in person whenever possible, and this will be confirmed in writing within ten working days of the hearing. Where a hearing is adjourned for further investigation, or for any other unavoidable reason, the employee must be kept informed of progress and a date set for the resumed hearing. It is not Council policy to issue notes as the official record of hearings.

Stage 3: Grounds of Appeal

Stage 2 shall be the final stage except in the following cases:

- (1) Where the grievance relates to the interpretation or application of one of the Schemes of Conditions of Service which, if not resolved, may be referred to the Appeals Committee, or;
- (2) Where an important issue of principle arises relating to joint agreements and which, with the agreement of the Joint Secretaries of the central consultative body, may be referred to that body.

Procedure and Time Limits for Stage 3 Appeals

Appeals must be registered in writing to the Director within ten days of receiving the decision. A further 5 days will be granted to provide a written statement explaining the grounds of appeal.

Where the Director is satisfied that the grounds of appeal are met, he/she will organise an Appeal Hearing. Where the Director is not satisfied that the grounds for appeal are met he/she will refer the matter to the Joint Secretary for the Employer's Side for decision.

No new evidence or witnesses can be introduced by either side at this stage, except with the prior agreement of the committee hearing the appeal.

Stage 4: Disputes - Conciliation

Where matters referred to the appropriate committees are not resolved, they may be referred by either party to the East Midlands Provincial Council as a formal "difference" or dispute.

In the event of the Provincial Council being unable to settle the matter either party may ask for it to be referred to the appropriate National Joint Committee.

Disputes will not be referred to ACAS until the above procedure has been exhausted.

No form of industrial action (eg "strikes" or "lock-outs") will be taken by either side whilst the relevant grievance/dispute is under consideration within this Procedure.

This procedure will be subject to periodic review.

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Amendments to Stage 1 @ 3 Oct 06

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