

Human Resources Committee

9th. June 2006



Grievance Policy & Procedure

Report of Kim Jobson, Head of Human Resources.

Purpose of the Report

- 1 The report highlights the changes to the revised Grievance Policy & Procedure which supports the Dignity at Work Statement and links with the revised Bullying & Harassment Policy & Procedure.

Background

- 2 The current Grievance Policy and Procedure has been in operation for a number of years. Legislation and good practice have moved on since then and a review has taken place in conjunction with Services regarding the way in which it has operated.
3. Areas for updating have been identified, for example in relation to the mechanisms for raising and obtaining resolution to problems of this nature and the increasing complexity of some grievance issues. This also includes the relationship with other policies such as Bullying & Harassment and Discipline.
- 4 It is also important that the processes are compliant with the ACAS Code of Practice on Disciplinary & Grievance including the statutory requirement on employers to hear grievances from former employees.

Current Position

- 5 The main changes to the revised Grievance Policy & Procedure (policy copy Appendix 2) are that they:-
 - o Place a greater emphasis on the use of informal procedures to resolve such issues including, the provision of contact points where advice can be sought- including counselling and support- as well as aiming to encourage the early identification and resolution of problems.
 - o Build in the option of mediation, which if agreed to by both parties would be binding and end the formal grievance process.

- Include a more robust monitoring process through the Human Resources Division of Corporate Services. This will provide data for the monitoring expectations of the revised CPA Key Lines of Enquiry regarding staff complaints and link with the existing mechanisms for monitoring for Equality and Diversity purposes.
 - Aim to simplify the formal procedure for example by removing the 'Grievance Officer' step in the existing procedure.
 - Make provision to raise a grievance if an employee no longer works for the County Council.
 - Provides more guidance for employees and managers about their roles and the expectations placed on them in the management of any grievance process.
- 6 Consultation has taken place across Services and with the trade unions and feedback has been used to develop the final versions of these documents. It is also intended that guidance notes will be provided and updated on an on going basis from experience of implementing the procedure.

Recommendations and Reasons

- 7 The revised Grievance Policy & Procedure is adopted to provide an updated mechanism to meet the needs set out above.

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Appendix 1: Implications

Finance

None

Staffing

None.

Equality and Diversity

Report supports Equality and Diversity agenda.

Accommodation

None.

Crime and disorder

Reference to Hate Incident reporting is included in policy document.

Sustainability

As above, Equality & Diversity issues are an integral part of sustainable communities.

Human rights

Links directly to Equality & Diversity issues through fair treatment in the workplace

Localities

None.

Young people

None.

Consultation

Within Services via HR Service teams, Trade Unions and the Employment Equality Issues Group.

Health

Grievance links to health in the workplace.

Appendix 2

Durham County Council

Draft Grievance Policy

1. Introduction

1.1 The Grievance Policy and Procedure are designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly, in a fair and reasonable manner, at the lowest level possible within Durham County Council (DCC).

1.2 The policy covers all employees except for school-based employees where schools have adopted their own Grievance Procedures (see HR Manual of Guidance for Schools for draft procedure).

1.3 Managers should be aware that they are responsible for dealing with any complaint from an employee and if in doubt about the appropriate procedure should contact the Human Resources Division, Corporate Services.

2. Scope

2.1 The Grievance Procedure exists to provide a mechanism for employees to raise concerns that are not covered by other procedures e.g. the Council's Bullying and Harassment, Hate Incident Reporting or Appointments Complaints Procedures. Where an employee is not clear which is the correct procedure to use, s/he should, before raising a complaint, discuss the appropriate procedure, with a manager/supervisor, Human Resources contact, a Bullying and Harassment Liaison Officer (see appendix 2 within the Bullying and Harassment Procedure, or the intranet for a list) or alternatively contact the Equalities Team (ext 4689 or 4254).

2.2 The procedure can be used to report a grievance in relation to the following:

- Terms and conditions of employment
- Health and safety
- Changes to working practices
- Working environment
- Organisational changes
- Fair treatment and relationships at work (which do not involve Bullying or Harassment, Hate Incidents or Appointments Complaints)
- Equality & Diversity Issues (which do not involve Bullying or Harassment, Hate Incidents or Appointments Complaints)"

2.3 If a manager receives a grievance which s/he considers is an issue that should be dealt with under another procedure, s/he should take advice from Corporate Human

Resources and if necessary then arrange to meet with the employee to discuss the most appropriate procedure to follow.

2.4 The procedure does not cover situations where DCC has other specific procedures/mechanisms which cover the issues raised for example:

- Job evaluation appeals
- Grading appeals
- Disciplinary issues including capability except where:
 - The employee disagrees that the action was taken on conduct or capability grounds and/or
 - considers the action taken constituted unlawful discrimination
- Dismissal – except in cases where an employee claims constructive dismissal
- Confidential Reporting (Whistle blowing).
- Collective grievances/disputes

or where the issue is outside of the control of the Council for example:

- Pay issues e.g. tax, national insurance

2.5 Once a grievance procedure has been closed the procedure cannot be invoked to raise the same or a similar issue within 12 months of closure. The only exception to this rule is where it can be shown that agreed actions have not been implemented.

3. Support

3.1 When dealing with grievance issues managers and employees should consider other support options that are available within DCC where appropriate such as counselling through the Lancaster Counselling Service or via the Occupational Health Service or from trade unions.

3.2 Where appropriate assistance may be sought through mediation. This will be by mutual agreement and in consultation with the Human Resources Division, Corporate Services. The outcomes of such mediation will be binding upon both parties and will close the Grievance Procedure.

3.3 Advice is available from the Human Resources Division, Corporate Services regarding the application and implementation of the policy and procedure.

4. Training and Monitoring

4.1 The Grievance Policy and Procedure will be covered as part of employee induction, training and development programmes.

4.2 Monitoring will be undertaken within Services and by the Human Resources Division, Corporate Services and include:

- (i) A record kept of all individual complaints.
- (ii) Review of individual complaints to monitor outcomes
- (iii) An anonymised corporate record maintained of all grievances.

4.3 The Corporate Monitoring Forms which must be completed on individual grievances and returned to the Human Resources Division, Corporate Services and the information that is required on a quarterly basis on the Corporate Employment Monitoring form and copied to the Human Resources Division, Corporate Services and the Equalities and Diversity Team, Corporate Services, are included in the Grievance Procedure.

5. Responsibilities Under the Policy

5.1 Every employee has a responsibility to ensure that s/he complies with this policy and the related procedure.

5.2 If during the course of an investigation it is established that a malicious or vexatious complaint has been made then appropriate action will be taken which may include disciplinary action in accordance with the DCC Disciplinary Procedure. This will not include ill founded allegations which were made in good faith.

5.3 All managers and supervisors are responsible for ensuring that this Policy and the related Grievance Procedure are fairly implemented and must ensure that they:

- Do not breach the Policy or Procedure personally;
- Seek advice from the relevant Human Resources Team when required by Policy and Procedure or if they are unsure of how to implement it.
- Advise and inform their team(s) in order to increase understanding of the Policy and Procedure
- Ensure that they deal with grievances equitably without direct or indirect discrimination on grounds of age, disability, nationality, race, religion, sex, sexual orientation, or trade union membership.

6. Confidentiality

6.1 All information will be handled sensitively and used only for its proper process. However confidentiality cannot be guaranteed as information might have to be disclosed where a grievance results in formal proceedings.

6.2 Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.