

Procedure - Collective Grievance v3.0



TIMESCALES

Confirmation of grievance	Within 5 working days of receiving the grievance
Grievance Meeting Arranged	Within a reasonable time and not longer than 30 working days from receipt of the employee's grievance. If a lengthy investigation is required, this date should be within 10 working days of completion of the investigation
Employee group / representative informed of date of grievance	At least 5 working days before the grievance meeting
Employee group required to provide any additional paperwork for consideration at grievance hearing	At least 2 working days before the grievance meeting
If appropriate the meeting will be reconvened when an investigation is completed or further information and clarification is received	No set timescale
Employee advised of outcome of grievance	Confirmation in writing within 5 working days of the grievance meeting

ROLES AND RESPONSIBILITIES

Employee Representative:

- Ensure all forms and required paperwork is submitted within given timescales/deadlines.
- The employee representative should ensure that they are fully prepared for the grievance meeting.

Line manager:

- Ensuring that the procedure is followed and that timescales are adhered to, making sure that the group / representative are aware of these.
- Reminding the group that they have the right to representation and that they need to name their representative in advance of the meeting.
- Arranging for the Investigating Officer and any other relevant participants to be available to attend the meeting should further information or clarity be required.
- Keeping the group informed of the progress of the grievance e.g. If the manager thinks it is appropriate to interview other staff members in relation to the grievance.
- Allowing the group / representative time to state their case clearly.
- Arranging for accurate notes to be taken during the meeting and typed up after the meeting.
- Informing the group / representative of the outcome as soon as possible, ensuring that all evidence has been carefully considered and confirming in writing within 5 working days.
Ensuring that the group have been informed of their right to appeal to the decision.
- Making sure copies of all correspondence and notes relating to the case are sent to HR.

HR Responsibilities

- HR will not necessarily be in attendance at all Grievance meetings, although general support is available if required.

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1. Introduction

The Collective Grievance procedure document details the process of managing collective grievances raised by employees of Denbighshire County Council.

The procedure has been created to provide one document to guide managers and employees through the collective grievance process.

The collective grievance procedure applies to all employees of Denbighshire County council with the exception of:

- Staff appointed by a School Governing Body
- Directors and Heads of Service – separate national procedures shall apply

The procedure will apply to full-time, part-time, fixed term and temporary employees who have an employment contract with the council, regardless of the hours worked.

Separate policies are in place to deal with issues relating to:

- Bullying and Harassment
- Whistleblowing issues
- Dismissals

2. What is a collective grievance?

A group of employees may raise a grievance if they have concerns in work regarding their work, working practices or working conditions. This procedure enables employees to raise concerns that they may have, including:

- Terms and conditions of employment
- Equal Pay
- Health and safety issues
- New working practices
- Complaints regarding the actions of colleagues
- Actions that could result in constructive dismissal
- Poor working environment
- Discrimination on the grounds of race, sex, disability, sexual orientation, age, marital status, religion or belief

This list is not exhaustive and is intended to provide guidance on the types of situation from which a grievance may arise.

A breakdown in colleague relationships should not be regarded as a reason for raising a grievance. In such circumstances employees are urged to find an amicable solution to resolve their issues.

Principles

The following principles will apply to all collective grievances:

- Collective grievances should be dealt with on an informal basis wherever possible. Employees should be encouraged to discuss matters with their immediate line manager who should aim to resolve the issue as soon as possible
- Where a collective grievance involves an immediate line manager, the next level of management will address the grievance.
- All grievances will be held in the strictest confidence
- Employees will not suffer any detriment as a result of raising concerns
- An employee group can take the matter up with their line manager or by consulting with a recognised trade union representative

- The employee group will have the right to appeal to the outcome of a collective grievance

What should happen if a person believes they are stressed?

Following a discussion, it may be appropriate for the employee to complete a Stress Questionnaire. Alternatively, the employee may wish to complete one themselves, without their Supervisor/Line Manager intervention.

This questionnaire can be provided by the Occupational Health Department, together with further advice on the outcome of the completed questionnaire and any support provision available from the Authority.

Representation

An employee will have the right to be represented or accompanied at any formal part of the procedure by a Trade Union representative or workplace colleague. The employee will be informed of these rights prior to any formal interview.

Although the employee does not have the right to representation at informal meetings, the council will allow a Trade Union representative or workplace colleague to accompany employees to any informal meetings.

If the employee is not a member of a Trade Union they may request support from an HR Specialist or independent middle manager who can talk them through the process and provide advice on their rights. The HR Specialist or manager will not however be able to attend any meetings with the employee and the employee should therefore seek support from a colleague if they wish to have a representative with them.

It will be up to the employee to arrange for someone to attend the meeting in this capacity. Should their chosen companion not be available on the day of the meeting, then the employee should attend on their own, arrange for someone else to accompany them or request a postponement.

Postponement

An employee may request one reasonable postponement of a meeting in the following circumstances:

If the employee's chosen representative is not available on the original date, the council will postpone the grievance meeting for up to five working days. In such cases the council will offer one alternative date. If the employee's representative remains unavailable for this alternative date, the employee will be expected to arrange an alternative representative.

In exceptional circumstances where the employee is unable to attend a grievance meeting due to a situation beyond their control the council will offer one alternative date.

Failure to attend a Grievance Meeting

The manager will write to the employee with details of the time, date and location of the grievance meeting. Enclosed will be a confirmation slip that the employee should complete and return to the manager within the timescale allowed. If the employee fails to return the confirmation slip, the manager will make every effort to contact the employee to confirm that they are attending the meeting.

If the employee fails to attend a grievance meeting or fails to inform their manager that they are unable to attend prior to the meeting the meeting will proceed in their absence. The employee's representative will have the opportunity to present the case on their behalf, and any submission by the employee or their representative will be considered.

A decision will be taken based on the information provided and the employee will be informed of the outcome of the meeting and their right to appeal in writing within 5 working days of the date of the meeting.

Failure to attend a Grievance Meeting due to Sickness

An employee who is certified medically unfit to work will still be expected to attend the grievance meeting. If the employee's medical condition is such that they believe they are unable to attend the hearing, they should contact their manager immediately. In exceptional cases the advice of the Council's Occupational Health Advisor, an independent consultant, or GP (with the employee's consent) may be requested to advise on their medical fitness to attend the grievance meeting. It is unlikely that stress related illness, attributed to the grievance procedure, would be an acceptable reason for an employee not to attend a grievance meeting. In such circumstances it is in the interests of the employee that the proceedings are completed as quickly as possible.

On the very rare occasions when an employee is unable to attend a grievance meeting due to sickness, the Council reserves the right to continue without unreasonable delay. For example, written submissions by the employee or their representative to present the case on their behalf.

Reasonable Adjustments

Provision will be made for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting, provided reasonable notice is given to the line manager prior to the meeting. This may include holding the meeting in an accessible room, providing an interpreter, additional equipment or allowing extra breaks.

The Procedure

If possible, employees should endeavour to resolve their grievances between themselves before entering into the informal or formal Grievance Process.

3. The Collective Grievance Process

Informal Resolution

Employees wishing to raise a collective grievance should nominate representative(s) to act on their behalf throughout the process. An employee representative may be a trade union representative or a member of the group. However, they must be a Denbighshire County Council employee and may not be a Solicitor or legal representative from an external organisation.

To allow problems to be dealt with quickly, employees should aim to resolve grievances informally during a discussion with their line manager wherever possible.

If the collective grievance is concerning the result of an incident the line manager should aim to reply within 5 working days of the discussion.

The manager should establish:

- The exact nature of the grievance
- What steps the group think that the manager can take to resolve the grievance

If possible the matter can be resolved at this stage and any notes taken retained for a period of 3 months.

Formal Resolution

If the grievance cannot be resolved informally, the formal procedure should be used.

If an employee group wish to raise a grievance they will do so by using Statement of Grievance form (Appendix A). Once the grievance has been received the manager will need to write to the employee representative to acknowledge the grievance.

The manager will arrange a meeting with the group / representative to address and try to resolve the issue.

Preparation for the Grievance meeting

The grievance meeting will be held within a reasonable timescale, usually within 10 working days, but no longer than 30 working days, to address and try to resolve the issue. In certain circumstances it may be possible to extend this period.

At least 5 working days prior to the meeting the group / representative will be:

- given written notice of the meeting time and place

At least 2 working days prior to the meeting the group / representative will need to provide their line manager with the following:

- confirmation that they will be attending the meeting
- the details of their representative

All members of the group or the chosen representative(s) may attend the grievance meeting. It is the responsibility of the group to ensure that their representative is available to attend the meeting. The line manager will arrange for a clerk to take notes of the grievance meeting.

Outcome of the grievance

Following the grievance meeting the line manager will consider all the information provided and write to the group representative within 5 working days of the meeting outlining their decision in relation to the grievance.

The employee should also be informed at this stage of their right to appeal to this decision. Copies of all notes and correspondence related to the grievance should be forwarded to HR.

Investigation

If necessary, an investigation may be carried out into issues raised within the grievance. An Investigating Officer will be appointed by the appropriate Head of Service to gather evidence regarding the issues. Once completed, an investigation report will be compiled by the Investigating Officer and meeting will be held to discuss the outcomes of the investigation.

The employee group will be kept informed of the likely timescales involved in the investigation process and given notice of the grievance meeting when the investigation is complete.

4. Supporting Documents

Format for the Grievance Meeting

At the beginning of the grievance meeting the line manager should:

- Confirm that the group have been advised of their right to be represented by a trade union representative or colleague and if necessary, adjourn the meeting to allow representation to be arranged
- Introduce those present and explain why they are there
- State that the purpose of the meeting is to consider the details of the grievance
- Explain how the meeting will be conducted
- Discuss the grounds of grievance
- Allow the group / representative the opportunity to present their grievance, ask questions. Allow the representative to ask questions and confer with the group.
- If required, the meeting may be adjourned at any time. This may be appropriate if new facts emerge or matters raised need clarification. It may be necessary to reconvene the meeting at a later date.
- Summarise the main points of the meeting and allow all parties to agree the main discussion points of the grievance meeting. The employee should be asked whether they have anything further to add and whether they are happy for the meeting to end.

The Decision

The line manager will now consider the grievance, referring to the notes of the meeting before deciding on the appropriate course of action to try to resolve the grievance.

The decision will be confirmed in writing to the employee and their representative within 5 working days of the meeting.

Guidance for Managers

These guidelines provide managers with a clear procedure to follow if they are required to organise and attend a grievance meeting.

Arranging the Grievance meeting

Once the grievance has been received the manager will need to write to the employee to acknowledge the grievance.

The grievance meeting should be arranged to take place within a reasonable time, usually no later than 10 working days of receipt of the grievance form.

The employee will be given at least 5 working days' notice of the meeting time and place in writing including their right to be accompanied by a work colleague, or an official employed by a trade union. The employee is required to name their representative in advance of the meeting. The representative can participate in the meeting, but they cannot answer questions on behalf of the employee.

The manager should ensure that all parties have been provided with copies of all the related information and correspondence at least 2 working days before the meeting.

A clerk should be appointed to take accurate notes as a record of the meeting. The notes should be typed up and distributed within 5 working days of the grievance. The statement of grievance and the outcome letter should be placed on the employee's personnel file and details of any appeal.

The manager should prepare the meeting structure and list points they want to cover, liaising with HR if necessary for support or clarification of any points of the procedure.

The line manager should consider the following:

- Raising a grievance can be a distressing experience for an employee.
- If the employee becomes upset or distressed allow time for them to regain their composure. If necessary adjourn and reconvene at a later date.
- During the meeting frustrations and anger may be vented. However abusive language or behaviour should not be tolerated.
- If the grievance involves the relationship between the group and their line manager, an impartial manager, appointed by the Head of Service should hear the grievance.
- That the grievance could be a result of a legitimate attempt to by the employee's manager to manage their performance.

Witnesses

Witness Statements

Witness statements are a written account of what a witness says happened. When providing a witness statement, giving information about an incident or series of incidents', the witness should consider:

- A statement should be written as soon as possible after the events have witnessed while the facts are clear
- The Investigating officer may wish to interview the witness about their statement and the witness should be prepared to do this
- The statement is likely to be attached to the investigator's report and should include only information that is necessary. Appropriate and objective language should be used
- The account should be limited to the specific incident or incidents unless other questions have been asked
- Account should be taken of the context in which the incident took place (e.g. date, time of day and place)
- The witness should specify any other persons who were present and might have witnessed the incident(s)
- The witness should state the facts of what was witnessed. If reporting speech, the witness should try to recall and report as far as possible the actual words used
- The witness should describe any aspects of the behaviour of the person at the time of the incident, but should avoid speculating on how the person was thinking or feeling
- The witness should not discuss their statement with anyone else or ask others for their comments on it, with the exception of their trade union representative or adviser. The witness statement should merely reflect what was witnessed
- The witness should be informed that all discussions of the case are to be kept in the strictest confidence

- The witness should sign and date their witness statement

Right for time off to be a witness

An employee who has been called as a witness as part of the council's investigation, disciplinary or appeal process is entitled to reasonable time off to fulfil that role, by prior arrangement with their manager. This should include time to confer with their colleague or manager before the meeting and to attend the meeting.

The manager has the right to refuse if not given sufficient notice or if unable to cover the absence. However they should not unreasonably prevent the employee from attending.

Employees do not have to accept a request to be a witness and they should not be pressurised to do so, however they should be encouraged to co-operate as much as possible to ensure a fair and reasonable process.