

Procedure – Corporate Grievance

Approved by	Full Council
Date approved	12/04/2016
Date implemented	12/04/2016
Owner	LD
Review date	20/08/2028

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Version control

This document is subject to regular review due to legislative and policy changes. The latest versions of all our publications can be found on our website. Before contacting us about the content of this document, we recommend that you refer to the most recent version on the website and any relevant guidance.

Version	Date approved	Approved by	Notes / changes
v1.0	12/04/16	Full council	New policy
v2.0	16/04/18	Andrea Malam	Reformatting
v2.1	06/03/20	Andrea Malam	Addendum to policy
v2.2	20/08/25		Reformatting

Procedure – Corporate Grievance

Contents

Version control	2
Contents	3
TIMESCALES	5
ADDENDUM TO POLICY	6
Denbighshire Leisure Ltd. (DLL)	6
ROLES AND RESPONSIBILITIES	6
Employee responsibilities	6
Manager responsibilities	6
Human Resources responsibilities	7
Support available	7
Informal Grievance Procedure	8
What is a grievance?	8
If a grievance issue is recognised, what next?	8
Employee approaches manager with informal grievance	8
Manager must invite employee to an informal meeting via email or letter. Manager and employee have informal meeting – within 5 working days of informal grievance submission – to try to resolve issue.	9
Meeting outcome – Grievance not resolved	9
Meeting outcome – Grievance resolved	10
Formal Grievance Procedure	10
Formal grievance raised by an employee	10
Acknowledgement letter to employee from manager - Employee advised if investigation is required	10
If investigation is required, the manager appoints an investigating officer and keeps all parties informed of progress and timescales.	11
Investigating Officer produces investigation report for grievance manager	11
Manager arranges formal grievance meeting, confirming in writing date, time and venue - Employee is given 5 working days' notice; copies of investigation report and any supporting paperwork are enclosed - Grievance meeting held	12
Grievance upheld - Confirmation letter to employee from the manager	14
Grievance issue resolved and closed - Copy of information to HR Direct	14
Grievance partially upheld - Confirmation letter to employee from the manager - Copy of information to Human Resources - Employee has right to appeal outcome	14
Grievance not upheld - Confirmation letter to employee from the manager - Copy of information to Human Resources - Employee has right to appeal outcome	14
Employee raises an appeal following the Corporate Appeals Procedure	15
Additional Information	15
Representation	15
Reasonable adjustments	16
Grievance raised during other proceedings e.g. disciplinary, redundancy etc	16
Where the grievance and the other case are related	16

Where the grievance and the other case are not considered to be related	17
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Procedure – Corporate Grievance

TIMESCALES

Employee raises informal grievance	.
Grievance meeting arranged	Within 5 working days from receipt of the employee's informal grievance If further information/details/clarity is sought, then the meeting can be postponed and rearranged for a more suitable time
Employee advised of outcome of grievance	Confirmation of outcome provided to employee within 5 working days of the grievance meeting
Employee raises formal grievance	.
Confirmation receipt 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 informed of date of grievance	At least 5 working days before the grievance meeting
Employee given copy of the investigation report	At least 2 working days before the grievance meeting
Employee provides any additional paperwork for consideration	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

* Where working days are referenced this is based on a fulltime week (Mon-Fri) and not the contracted days of an employee

Procedure – Corporate Grievance

ADDENDUM TO POLICY

Denbighshire Leisure Ltd. (DLL)

For the purposes of interpretation of roles and responsibilities please see below:

DCC	DLL
Head of Service	Managing Director/Executive Team Member
Director	Company Board Director
Senior Management Team	Company Executive Team
Section 151 Officer	Company Accountant
Monitoring Officer	Company Secretary

ROLES AND RESPONSIBILITIES

Employee responsibilities

- Ensure all forms and required paperwork is submitted within given timescales/deadlines.
- To contact their representative to inform them of meeting time, dates and locations to confirm their attendance.
- To be fully prepared for the grievance meeting and liaise with their representative prior to the meeting to ensure they are aware of their role.
- To co-operate and participate with the investigation or mediation process as fully as possible with the aim of resolving the grievance.

Manager responsibilities

- Ensuring that the procedure is followed and that timescales are adhered to, making sure that the employee is aware of these.
- Reminding the employee that they have the right to be accompanied and that they need to name their representative in advance of the meeting.

Procedure – Corporate Grievance

- 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 employee 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 employee time to state their case clearly.
- Arranging for accurate notes to be taken during the meeting and typed up after the meeting.
- Informing the employee of the outcome as soon as possible, ensuring that all evidence has been carefully considered and confirming in writing, normally within 5 working days.
- Ensuring that the employee has 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

Human Resources responsibilities

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

Support available

Support is available during the grievance process:

- HR can provide support with procedural advice.
- Mediation can help resolve problems, particularly in the case of working relationships. Mediation helps employees resolve disputes and find ways of working together more effectively. It can be instigated at any stage of the informal or formal grievance process.
- Occupational Health can arrange counselling support during and after the grievance process.

This support can be beneficial to the following:

- The line manager, particularly if the grievance involves them.
- Other employees who may be named in the grievance or who may be required to take part in the investigation
- The team, where the grievance could impact on them. Team morale could be affected, or sickness absence as a result of the grievance could impact on staff resources.

Procedure – Corporate Grievance

Informal Grievance Procedure

What is a grievance?

An employee 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
- Health and safety issues
- 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, 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.

If a grievance issue is recognised, what next?

If an employee believes that they have a valid grievance, then it is recommended the informal approach is tried in the first instance.

Employee approaches manager with informal grievance

Via the informal process, the employee approaches their manager to explain their issue(s) and details what their preferred outcomes would be. The manager may be made aware of the grievance issues due to verbal or written communication from the employee.

If the complaint is regarding the employee's line manager, then it is recommended the employee approaches the manager of their line manager.

Procedure – Corporate Grievance

Manager must invite employee to an informal meeting via email or letter.

Manager and employee have informal meeting – within 5 working days of informal grievance submission – to try to resolve issue.

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 grievance is as a result of an incident the line manager should aim to reply to the employee's concern within 5 working days of the discussion.

During the discussion, the manager should establish:

- The exact nature of the employee's grievance
- What steps the employee thinks that the manager can take to resolve the grievance

After the informal discussion with the employee, the manager should write to the employee setting out what has been discussed and agreed.

Meeting outcome – Grievance not resolved

If the employee is dissatisfied with what has been written and cannot reach a resolution to the grievance, they have the right to take the grievance to the formal stage. They should notify their manager of this within 10 working days of receipt of the letter using the Statement of grievance form. If the employee fails to do this then the grievance is concluded and the employee cannot raise the same issues again at a later date. (This does not prohibit employees from raising the same issue if it was initially deemed to be resolved and subsequently reoccurs).

Once the Statement of grievance form has been received, the manager will need to write to the employee to acknowledge the grievance.

The manager will arrange a meeting with the employee and their representative within a reasonable time, usually within 10 working days, but no longer than 30 working days, to address and try to resolve the issue.

Procedure – Corporate Grievance

Meeting outcome – Grievance resolved

Manager and employee ensure agreed outcomes are implemented. When the matter is resolved at this stage, any notes taken should be retained for a period of 6 months.

Formal Grievance Procedure

Formal grievance raised by an employee

If an employee wants to raise a grievance they should do so by using the Statement of grievance form. If the complaint is regarding the employee's immediate line manager, then it is recommended the employee sends the completed form to the manager of the line manager.

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

The manager will arrange a meeting with the employee and their representative within a reasonable time, usually within 10 working days, but no longer than 30 working days, to address and try to resolve the issue.

If the grievance involves the relationship between the employee and their immediate line manager, an impartial manager, appointed by the Head of Service should hear the grievance.

Acknowledgement letter to employee from manager - Employee advised if investigation is required

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

The grievance meeting will be held within a reasonable timescale, usually within 10 working days of receipt of the grievance. However, if an investigation is required this timescale may be extended. Where possible, the grievance meeting will be held within 10 working days of the completion of the investigation in this case.

Procedure – Corporate Grievance

At least 5 working days prior to the meeting the employee will be:

- given written notice of the meeting time and place via the Invitation to Grievance Meeting letter

At least 2 working days prior to the meeting the employee will be provided with:

- a copy of the investigation report

At least 2 working days prior to the meeting the employee will need to provide their manager with the following:

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

Please refer to representation section for further information.

If investigation is required, the manager appoints an investigating officer and keeps all parties informed of progress and timescales.

If necessary, an investigation may be carried out into issues raised within the grievance in line with the Council's Investigation Framework.

An independent Investigating Officer will be appointed by the manager to gather facts and information relating to the grievance.

The duration of the investigation will depend on the complexity and nature of the grievance, and evidence will be gathered from a number of sources in order to draw conclusions and recommendations to be included in their investigation report.

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

Investigating Officer produces investigation report for grievance manager

The investigation may be carried out into issues raised within the grievance in line with the Council's Investigation Framework.

Procedure – Corporate Grievance

Upon completion of the report, the Investigating Officer provides the investigation report for the manager and the manager organises a formal grievance meeting where the Investigating Officer will present the outcomes of the investigation.

At least 2 working days prior to the meeting the employee will be provided with a copy of the investigation report.

**Manager arranges formal grievance meeting, confirming in writing date, time and venue - Employee is given 5 working days' notice; copies of investigation report and any supporting paperwork are enclosed -
Grievance meeting held**

The manager arranges the meeting venue etc., sends out Invitation to Grievance Meeting letter to the employee and arranges for a note taker to be appointed to take accurate notes as a record of the meeting. The notes should be typed up within 5 working days of the grievance meeting taking place.

The grievance meeting will be held within a reasonable timescale, usually within 10 working days of receipt of the grievance. However, if an investigation is required this timescale may be extended. Where possible, the grievance meeting will be held within 10 working days of the completion of the investigation in this case.

At least 5 working days prior to the meeting the employee will be:

- given written notice of the meeting time and place via the Invitation to Grievance Meeting letter

At least 2 working days prior to the meeting the employee will be provided with:

- a copy of the investigation report

At least 2 working days prior to the meeting the employee will need to provide their manager with the following:

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

Procedure – Corporate Grievance

If deemed appropriate, for example, if the issue is complex, a member from Human Resources may be in attendance at the meeting to offer advice and guidance; they will not attend to take notes.

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 employee will be given at least 5 working days' notice of the meeting time and place in writing; their right to be accompanied at the meeting by a work colleague or an official employed by a trade union. See Representation.

During the grievance meeting the manager should consider that raising a grievance can be a distressing experience for an employee and they can become upset or distressed during the meeting. In such cases, allow time for the employee to regain composure; if necessary adjourn and reconvene at a later date.

All participants must behave in a professional manner, during the meeting frustrations and anger may be vented; however abusive language or behaviour should not be tolerated.

At the meeting the Investigating Officer will present the outcomes of the investigation.

Following the grievance meeting the manager will consider all the information provided and come to a decision.

The manager will write to the employee within 5 working days of the meeting outlining their decision in relation to the grievance.

Possible outcomes are:

- to uphold the employee's grievance
- to partially uphold the grievance
- not to uphold the employee's grievance

The employee should also be informed at this stage of their right to appeal this decision.

Copies of all notes and correspondence related to the grievance and decision should be forwarded to Human Resources for recording purposes.

Procedure – Corporate Grievance

Grievance upheld - Confirmation letter to employee from the manager

Should the manager conclude that the employee's grievance is upheld, then the outcome is to be confirmed in a letter to the employee, see Outcome of Grievance Meeting letter. The content of this letter will vary grievance to grievance, so the letter detail will vary accordingly.

Grievance issue resolved and closed - Copy of information to HR Direct

The employee and manager will work together to ensure the agreed outcomes are achieved and maintained. Copies of all paperwork relating to this grievance are required to be forwarded to Human Resources for recording purposes.

Grievance partially upheld - Confirmation letter to employee from the manager - Copy of information to Human Resources - Employee has right to appeal outcome

Should the manager conclude that the employee's grievance is partially upheld, then the outcome is to be confirmed in a letter to the employee, see Outcome of Grievance Meeting letter. The content of this letter will vary grievance to grievance, so the letter detail will vary accordingly.

Copies of all paperwork relating to this grievance are required to be forwarded to Human Resources for recording purposes.

Grievance not upheld - Confirmation letter to employee from the manager - Copy of information to Human Resources - Employee has right to appeal outcome

Should the manager conclude that the employee's grievance is not upheld, then the outcome is to be confirmed in a letter to the employee, see Outcome of Grievance Meeting letter. The content of this letter will vary grievance to grievance, so the letter detail will vary accordingly.

Procedure – Corporate Grievance

Copies of all paperwork relating to this grievance are required to be forwarded to Human Resources for recording purposes.

Employee raises an appeal following the Corporate Appeals Procedure

The employee has the right to appeal the outcome of the grievance. If they wish to do so, they are required to complete the Corporate Appeal form and forward to the HR Manager within 10 working days of the grievance outcome meeting.

Please refer to the Corporate Appeals Policy.

Additional Information

Representation

An employee will have the right to be represented or accompanied by a Trade Union representative or workplace colleague during any formal part of the procedure.

If the employee is not a member of a Trade Union they may request support from an HR Officer or independent middle manager who can talk them through the process and provide advice on their rights. The HR Officer 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.

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.

It is the responsibility of the employee to ensure that their representative is available to attend the meeting.

If the employee's chosen representative is not available on the date set for the meeting, the employee has the right to have the meeting postponed for up to five working days. It is expected that all reasonable steps will be taken to attend the rescheduled meeting. In such cases one alternative date will be offered by the Council which will as far as reasonably

Procedure – Corporate Grievance

possible, take into account the availability of the chosen representative. Should the chosen representative remain unavailable for this alternative date, the employee will be expected to arrange an alternative representative.

In exceptional circumstances discretion may be applied to allow an employee to bring someone who does not fit in with the above classifications (Trade Union representative or workplace colleague), this may be a parent or carer. The circumstances of the case will be taken into account to assess the appropriateness of someone else attending as a companion.

Reasonable adjustments

Provision will be made for any reasonable adjustments to accommodate the needs of those attending the meeting. This may include holding the meeting in an accessible venue, providing an interpreter, additional equipment or allowing extra breaks etc. Reasonable notice is expected in order for suitable arrangements to be made.

Grievance raised during other proceedings e.g. disciplinary, redundancy etc

There may be occasions where an employee, who is subject to another procedure, raises a grievance. The way in which this is handled will depend on the facts of each case. An assessment of the facts should take into account how the grievance is related (if at all) to the matter in hand.

Whether or not the grievance and the ongoing case are associated will be determined by the appointed Deciding Officer of the case.

Where the grievance and the other case are related

In exceptional circumstances it may be appropriate to temporarily hold the ongoing proceedings while the grievance matter is investigated further. The aim here is to establish whether the complaint has a material impact on the case and eventual outcome.

Be mindful that other ongoing proceedings should not be delayed unnecessarily.

Procedure – Corporate Grievance

Where the grievance and the other case are not considered to be related

In such cases it is advised that both cases are dealt with separately and that they run concurrently. The proceedings of the case in question may not be impacted by the grievance raised and should therefore be able to continue as planned.

Refer to the Disciplinary procedure for details relating to the disciplinary process.