

Appointments Board – 2nd October 2012

Grievance Procedure

Service: Resources

Wards: All

1. Summary of the report

This report asks the Appointments Board to agree changes to the Grievance Procedure and Anti – Bullying and Harassment Procedure.

2. Recommendation

That the Appointments Board agrees:

- a. To approve the redesigned “Grievance Procedure” (appendix 1) which will result in workplace concerns being addressed simply and efficiently.

3. Background

Human Resources is working to redesign a range of procedures to ensure that they are fit for purpose, comply with legislation and follow best practice guidance where appropriate.

As part of this exercise, work commenced in December 2011 to redesign the Grievance Procedure and the Anti-Bullying and Harassment Procedure. This work is now complete and implementation of the new procedure is planned once approval is gained from the Appointments Board.

4. The proposal

As at 16th February 2012 the Council has 2 separate procedures in place for handling employee concerns, these being 1) Grievance 2) Anti-Bullying & Harassment. In 2011 there were 20 Grievances and 5 Anti-Bullying & Harassment complaints raised. However, a number of the Grievances related to complaints which could be construed as bullying.

By having 2 separate procedures it causes employees, Trade Unions and HR staff confusion as to which procedure should be used.

The ACAS code of practice states “Grievances are concerns, problems or complaints that employees raise with their employers”. It is implied that these concerns could relate to bullying or harassment.

Changes made to the procedure: Brought together the Grievance and Anti-Bullying & Harassment procedure as the ‘The Grievance Procedure’. This procedure will be used to handle all employee concerns where they relate to work.

Under the current procedure once a Formal Grievance is raised, an investigation is commenced which results in a 'hearing' where a 'hearing manager' makes a decision based on the facts.

During 2011, the average time taken to receive an outcome from a Formal Grievance was 10.2 weeks. Whilst averages are a useful baseline, it is also worth noting that the longest time to gain an outcome was 7 months. The current procedure allows employees to progress to the Formal Stages without placing significant effort on informal resolution.

Only 2 outcomes from Formal Grievances were appealed in 2011, despite a number of these not upholding the Grievance.

The ACAS code of practice states that "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".

Changes made to the procedure: Placed significant emphasis on informal resolution within the procedure and require managers to work in collaboration with the employee (s) to resolve grievances at the informal stage.

Currently the procedure has a number of timescales for action, i.e. the employee will raise a grievance within 28 days, number of days for actions etc. These timescales have caused additional concern for the aggrieved and the manager as they have been driven by the timescales rather than driven by the resolution. Perversely, in some cases these timescales have themselves become the trigger for an additional grievance when they are not complied with.

The ACAS code of practice states "Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions". There is no specific guidance on what would be reasonable as this would be dependant on the context and the circumstances of the individual case.

Changes made to the procedure: Replaced explicit timescales with 'reasonable timescales'.

As stated previously, once a Formal Grievance is raised there is ordinarily an investigation and a hearing. There is currently a manager appointed to undertake the investigation and another to chair the hearing, both of which are supported by HR Technical Advisers. This is both cumbersome and unnecessary and can account for the lengthy timescales found in 2011.

The ACAS code of practice states that "Employers should arrange for a formal meeting to be held without unreasonable delay after a grievance is received. Employers, employees and their companions should make every effort to attend the meeting. Following the meeting the manager should decide on what action, if any, to take.

Decisions should be communicated to the employee, in writing, without unreasonable delay”

Changes made to the procedure: Removed the “hearing” from the procedure and replaced this with an expectation that the manager will hold a meeting to discuss the Formal Grievance and provide a written response following the collation of all relevant information.

In the current procedure there is a section on appeals which differs in places to other appeals for example for appeals against dismissal. This can cause confusion over how long employees have to appeal, and to whom they should appeal.

The ACAS code of practice states “the employee should be informed that they can appeal if they are not content with the action taken”.

Changes made to the procedure: Inserted signposting for appellants to the standard appeals procedure as agreed on 2nd February 2012.

5. Resource considerations

It is anticipated that the reduction in timescales through increased informal resolution and increased management accountability will significantly reduce the cost of handling grievances to the Council. There will be a reduction in lost time and reduced opportunity for litigation through the Employment Tribunal Service as we will have dealt with employee grievances effectively and efficiently.

There will be a need to train managers in handling grievances and leading mediation between employees. In March 2012 training was provided for HR staff to deliver mediation training for managers. As such, roll out of this training will incur no additional costs with the exception on management time.

6. Legal considerations

Legal services have been consulted in the redesign of this procedure, the ACAS code of practice which provides practical guidance for handling grievances in the workplace has been used at the centre of this procedural redesign.

7. Citizen impact

A more engaged and satisfied workforce will directly and indirectly deliver improved services for citizens of Walsall.

8. Equality implications

An Equality Impact Assessment has been completed during the redesign of this procedure. There is a risk in raising the accountability of managers in dealing with grievances, however, this follows best practice elsewhere and should improve management competence in the medium term.

This procedure will ensure that employee concerns are resolved informally and efficiently where appropriate. This will lead to improved performance at work and increased employee engagement and satisfaction.

9. Consultation

During the redesign of this procedure both Management and Trade Union focus groups have been engaged. This has proved positive to date in that both parties are supportive of the changes proposed as they will benefit all stakeholders.

The procedure has been to both CMT and ERF prior to submission to Appointments Board.

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Appendix 1

Grievance Procedure

Document title	Grievance Procedure		
Owner	Human Resources Specialist Services		
Status	Awaiting approval	Version	7
Effective from	TBC	Approved on	
Review date	TBC		
Last updated	18 September 2012	Last updated by	Craig Scriven
Purpose	To provide a tool for workplace concerns to be addressed simply and efficiently		

If you would like this document in another language or format contact:

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1. Introduction and overview

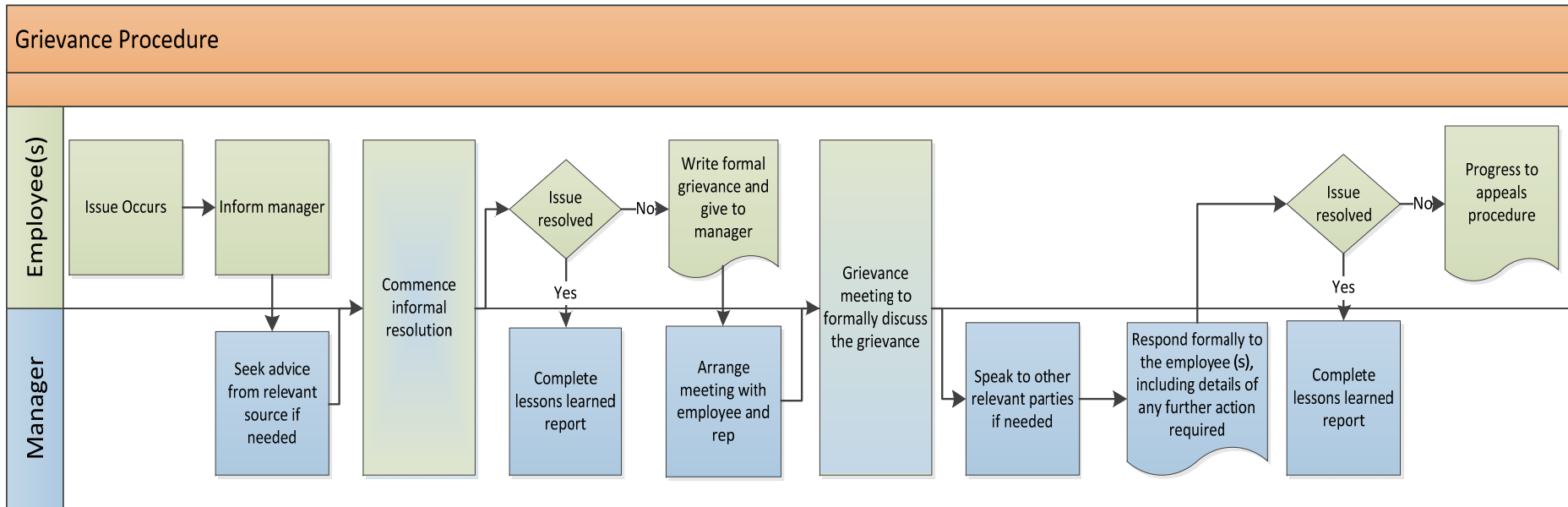
- 1.1 Walsall Council “the Council” supports the right of its employees to be treated with dignity and respect at work. Grievances are concerns, problems or complaints that an employee raises with their employer about their work, their working conditions or relationships with colleagues which could include allegations of bullying and harassment. The Council recognises that concerns can have a detrimental effect on individuals and also operational efficiency.
- 1.2 The Council is committed to making every effort to provide a working environment free from behaviour that could be interpreted as bullying which may be characterised as “offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient” (ACAS). In particular, this includes abusive or offensive behaviour or actions with regards to gender, race, sexuality, disability, religion or age.
- 1.3 This Grievance Procedure brings together the previous Grievance Procedure and Anti-Bullying & Harassment Procedure. This will enable all concerns, problems or complaints to be dealt with using a consistent approach.
- 1.4 The Council is committed to respecting equality and valuing diversity and has both a legal and moral responsibility to comply with the Equality Act 2010 and associated Public Sector Equality Duty. For further details please visit the Equality and Diversity pages on the Intranet and see the Equalities Protocol.
- 1.5 The Council will normally attempt to resolve grievances using informal resolution to help workplace concerns to be addressed simply and efficiently.
- 1.6 This procedure uses a simple approach incorporating a flow chart, an easy to follow table and separate guidance notes for employees, managers and HR staff.

2. Principles

- 2.1 If an employee raises concerns at work, managers will act on those concerns to resolve them on an informal basis initially. There are a range of informal resolutions which could be used depending on the situation and these will be discussed with the employee.
- 2.2 In both the informal and formal stages, the concerns will be shared at the earliest opportunity with the other parties involved (for example the subject of the grievance) in the grievance for the purpose of ensuring open and transparent communication for all parties.
- 2.3 The Grievance Procedure applies to all employees of the Council including part-time, fixed-term and temporary employees. Where Council employees are managed by managers not employed by the Council, this procedure will be used. It does not apply to agency workers, self-employed contractors, or consultants commissioned to undertake time limited work.

- 2.4 The Grievance Procedure will not apply to Pension Scheme rules, grading of posts, redeployment, or redundancy which are dealt with under separate procedures.
- 2.5 Grievances should not be used to complain about the use of or decisions made under the Performance Procedure.
- 2.6 Employees will be required to work with managers and HR in an attempt to resolve their concerns on an informal basis.
- 2.7 If informal resolution cannot be reached, employees have the opportunity to raise their concerns formally clearly stating what resolution they are seeking.
- 2.8 There may be times when the Council has to determine whether informal resolution has been exhausted.
- 2.9 Unless further investigation of the complaint is required the employee will be invited to attend a grievance meeting as soon as is reasonably practicable.
- 2.10 Employees have the right to be represented at the formal stage of the Grievance Procedure by either an accredited Trade Union representative or a work colleague of their choice in accordance with the ACAS code of practice.
- 2.11 If the employee or their representative cannot attend a meeting to discuss a what does reasonable mean grievance on a proposed date, the employee/representative must suggest an alternative time and date within a reasonable amount of time.
- 2.12 Depending on the nature of the grievance, consideration may be given to temporarily relocating the workplace of any party. This will be on normal pay and without prejudice.
- 2.13 If there is any doubt regarding the application of this procedure, employees should contact the HR Customer Advice Team.

3. Flow chart



Regular learning and development programmes and skills coaching sessions are available to support employees, trade union representatives and managers to ensure that concerns are handled in accordance with both this procedure and in support of the ACAS Code of Practice. Contact the HR Customer Advice Team or consult the HR intranet pages for details about upcoming programmes.