



## Grievance Resolution Policy and Procedure

**Commented [PM1]:** Changed policy name – outlined in para 4 of Ctte paper.

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## 1. Introduction

1.1. Surrey County Council is committed to creating a positive working environment for its employees. The Council is keen to encourage staff to resolve any disagreements at work as early, locally, and informally as possible, and has developed a number of mechanisms to facilitate a positive approach to resolving differences in a restorative way.

1.2. The Council recognises that there may be circumstances in which informal attempts at resolving issues or concerns at work may not be appropriate and/or successful.

1.3. The Grievance Resolution Policy and Procedure has been designed to ensure that employees are aware of, as well as confident in, a structured way of raising matters that relate to their employment relationship with the Council.

The Council has a separate policy for Ending Bullying, Harassment, Discrimination and Victimisation, which has been specifically designed to address such concerns. Employees are encouraged to raise any issues related to bullying, harassment, discrimination or victimisation under the provisions of that policy.

1.4. Over the past few years, the Council has been growing and developing staff networks to help to resolve difficult situations. This includes the internal Mediation and Local Workplace Fairness Champions networks and more recently a Coaching Pool, Restorative HR and Restorative Facilitators. These networks have all been combined to form a Restorative Network to support employees [and managers] in resolving differences at work. The restorative approach recognises that the quality of working relationships may be influenced by multiple factors and incidents, and seeks to provide ways in which colleagues can constructively address differences of opinion and perspective in order to find a positive way forward. Detailed information on those networks is available on s-net.

**Commented [PM2]:** Additions/modifications as set out in para 5 of Ctte paper.

## 2. Scope

### 2.1. Who is covered by this policy.

2.1.1. This policy applies to Surrey County Council employees, including those engaged on 'bank' contracts. This policy applies to directly-employed Council staff working in schools (commercial services), however it does not apply to teachers and school support staff working in schools under the direction of a Governing Body, nor to school Governors. This policy does not cover employees of the Surrey Fire and Rescue Service.



2.1.2. It is important to note that this policy only applies to individuals who are directly employed by the Council. The policy does not cover contractors, agency workers, or elected Council Members.

## **2.2. Matters which fall outside the scope of the Grievance Resolution Policy and Procedure.**

2.2.1. This policy and procedure will not apply in the following circumstances:

- Matters relating to individual performance and/or capability- these are covered by the relevant employment policies and procedures.
- Allegations of individual misconduct may be raised under the provisions of this Policy and Procedure by an affected employee (e.g. where they feel that the conduct of a manager has been unacceptable). However, this Policy is aimed at resolving grievances and not managing individual conduct. If a grievance investigation reveals concerns about the conduct of any Council employees, management may consider taking action under the Council's Disciplinary Policy and Procedure and/or exploring what support may be available to them (e.g. training).
- Job grading issues; job families and job evaluation, which are covered by the Council's policies on Reward and Job Evaluation. Further advice is available on s-net and from MyHelpdesk HR.
- Matters that do not directly relate to the employment of the employee raising the grievance. The Council welcomes suggestions from employees for improving working practices and service delivery, and managers at all levels should openly discuss new ideas and/or address relevant concerns. If an employee would like to raise such an issue in a more formal way, trade union representatives may be able to bring the matter to the attention of senior management as part of the appropriate Directorate Joint Consultative Committee framework.
- Complaints of discrimination, victimisation, harassment, and bullying, which should be raised under the Ending Harassment, Bullying, Discrimination and Victimisation Policy.
- Matters that fall under the definition of collective disputes, concerning terms and conditions of employment and/or other issues that are the subject of formal collective bargaining between the Council and its recognised trade unions. A dedicated Collective Dispute Policy is in place to cover those matters.
- Requests for flexible working made under the Right to Request Flexible Working, which are dealt with by the appropriate policy.



## 3. Policy on Grievance Resolution

### 3.1. General Principles

- 3.1.1. Employees and managers should always make an effort to raise concerns and resolve issues early, locally and informally.
- 3.1.2. At any stage of the formal procedure set out below, employees will have the right to be accompanied to meetings, normally by a trade union representative or a work colleague.
- 3.1.3. All Grievance Resolution meetings will be chaired by a Council manager/officer of appropriate seniority.

### 3.2. Responsibilities

#### 3.2.1. Managers will:

- Deal reasonably and promptly with an employee's grievance within the specified timescales
- Treat all complaints seriously and sensitively and respond to complaints without bias
- Ensure that any individuals named in the grievance are advised early in the process about the details of the complaint against them and that they are advised of their rights and responsibilities under this policy and procedure

#### 3.2.2. Employees will:

- Be responsible for raising matters of concern with their Department Heads/line managers informally as soon as reasonably practicable to ensure these matters are dealt with quickly and efficiently
- Work with the manager to seek resolution to problems
- Comply with all reasonable management instructions and endeavour to continue to work normally and with full co-operation while their grievance is being dealt with
- With appropriate support, co-operate as a witness with any investigations or with management action

#### 3.2.3. Human Resources will:

- Provide advice and guidance to employees and managers on this policy and procedure
- Regularly review this policy to ensure it remains effective in resolving problems and disputes in the workplace



### **3.3. Grievances raised by an employee during another formal procedure.**

3.3.1. The Council recognises that there may be some instances where an employee will decide to raise a grievance while they are involved in an ongoing case under another formal HR procedure. Where that happens and the grievance is related to events covered by/investigated under that process, the employee may either raise their concerns as mitigation against any potential sanctions, or the grievance may be considered concurrently as part of a multi-purpose hearing.

3.3.2. Where the concerns raised in the grievance are completely separate to the events covered by/investigated under the other formal procedure, the grievance can be managed completely separately from other proceedings. However, depending on the nature of the grievance and seriousness of the issues raised, management can make a decision to suspend formal proceedings while the grievance is being dealt with.

### **3.4. Additional support available.**

3.4.1. The Council recognises that raising concerns and attempting to resolve grievances can be a stressful process and is keen to support the well-being of its employees and managers throughout the process. All Council employees have access to a confidential Employee Assistance Programme.

3.4.2. Trade unions can offer support to their members who are involved in a grievance resolution process whether as the employee filing a grievance or a colleague/manager who is facing allegations as part of a grievance submitted by another Council employee.

3.4.3. As a general rule, the Council expects its managers and employees to continue working as normal while a grievance is being dealt with under this Policy and Procedure. Managers who receive and/or oversee a grievance should consider its well-being implications on the aggrieved employee. Managers should attempt to have a conversation with the employee in order to consider whether an Individual Well-Being Assessment should be undertaken. Adjustments to an employee's work arrangements (e.g. shift patterns) should also be considered where appropriate. HR will be able to provide further advice on the support available to employees and managers.

**Commented [PM3]:** New/reinforced emphasis on well-being implications as mentioned in para 11 of Ctte paper.

## **4. The Grievance Resolution Procedure**

### **4.1. Informal stage.**

4.1.1. It is in the best interests of all parties to resolve any complaints and grievances quickly and informally through discussion when a problem or issue



arises. Employees are encouraged to discuss the matter with their immediate line manager in an attempt to resolve it. While this process does not form part of any formal procedure, managers should consider accommodating any employee requests to be accompanied at such a meeting.

4.1.2. The Council is committed to taking a constructive, restorative approach to the resolution of grievances and concerns at work. A framework of support has been developed to facilitate employees and managers taking positive steps towards resolving disagreements, addressing concerns, and strengthening working relationships. This includes networks of trained mediators/facilitators, coaches, and Fairness Champions. Further information is available on s-net and through MyHelpdeskHR.

4.1.3. Any actions agreed at the informal stage should be recorded in writing and copied to all relevant parties. The formal grievance resolution procedure set out below should only be used if attempts at informal resolution have not been successful.

#### 4.2. Raising a Formal Grievance.

4.2.1. Employees should put their grievance in writing to the manager of their immediate line manager, or another Council officer/manager of appropriate seniority. When submitting a grievance, an aggrieved employee should make every effort to indicate their preferred way[s] of resolving it.

**Commented [PM4]:** Addition as set out in para 6 of Ctte paper.

4.2.2. The Chief Executive Officer/Head of Paid Service and their direct reports may lodge grievances with the Council's Monitoring Officer, who will oversee the process and update the Leader of the Council (or a Cabinet Member designated by the Leader) on its progress. If the CEO or one of their direct reports would like to raise a grievance but feel that it would not be possible or practicable to lodge it with the Monitoring Officer, they should discuss the issue with the Head of the HR&OD Service.

**Commented [PM5]:** New facility as set out in para 7 of Ctte paper.

4.2.3. Upon receipt of a grievance, a manager should assess whether it is practicable and/or appropriate for them to oversee the grievance resolution process. If they feel that they are not in a position to lead on resolving the grievance, they should attempt to identify a manager who would be suitable to oversee it and agree to hand the case over.

#### 4.3. Timescales.

4.3.1. An employee who submits a grievance is entitled to receive an acknowledgement of receipt within five working days of submission. The acknowledgement should come from the manager who will be overseeing the process; if the case has been handed over from one manager to another, the



change should be notified to the employee together with the reasons for it (e.g. an upcoming period of extended leave that could delay the process).

4.3.2. The Council expects all stakeholders involved in a formal grievance to act in a way that facilitates and expedites its resolution. The Council also recognises that some grievances are likely to be more complex than others, and that the process can be delayed by unforeseen complications (e.g. in the case of sickness).

Consequently, there are no firm deadlines for completing the process, however the manager is required to provide the aggrieved employee with updates on the progress of a case at least every two weeks (up to a maximum of three weeks in exceptional circumstances). Updates will be provided in writing; this can be done by e-mail with the agreement of the employee. The employee may also request for copies of letters or e-mails to be sent to their nominated trade union representative.

**Commented [PM6]:** Changes as set out in para 8 of Ctte paper.

4.3.3. If the grievance resolution process is still ongoing two months after the date of the original submission of the grievance, the aggrieved employee may contact the relevant Head of Service, or other appropriately senior manager, and request their intervention. The Head of Service [or other senior manager] will respond to the employee within two weeks, outlining the reasons for the delay and committing to a firm timescale for a final response/resolution.

#### **4.4. Assessing the need for an investigation, and commissioning arrangements.**

4.4.1. The manager who will oversee the grievance resolution process should examine its contents and consider appropriate steps forward. Depending on the nature and complexity of a grievance, it may be reasonable to have an initial fact-finding meeting with the aggrieved employee prior to deciding whether to proceed with a full investigation into the issues raised.

4.4.2. The purpose of a fact-finding meeting is to allow the employee to explain their concerns in more detail and have an initial conversation about potential ways of resolving it. The manager may adjourn the meeting to gather further information prior to assessing whether to recommend a comprehensive independent investigation.

4.4.3. In less complex cases, the manager may propose making an attempt to resolve the grievance through a formal meeting with all parties involved.

4.4.4. After making an initial assessment on whether a full investigation would be beneficial, the manager will contact the aggrieved employee to share their thoughts with them. Where the manager does not believe that an investigation would be warranted, the employee can request them to reconsider their decision, however the employee does not have a firm right to insist on a formal investigation taking



place. Managers are encouraged to contact HR for detailed advice or if they are in any doubt.

#### 4.5. The role of the Investigating Officer.

4.5.1. Where it is decided that a grievance requires a detailed investigation, the manager who oversees the process should nominate an 'Investigating Officer'. The Investigating Officer will typically be a Council employee who is capable of overseeing a formal investigation, and has had no involvement in the issues raised as part of the grievance. However, the Council may appoint an external investigator where that is warranted by the complexity of a case, seniority of the individuals involved, or need to maintain confidentiality. HR can offer advice on the relevant practicalities.

**Commented [PMB7]:** New facility as codified in para 10 of Ctte report.

4.5.2. The Investigating Officer will engage with appropriate stakeholders, and prepare a report to summarise the facts and viewpoints relating to the case. The Investigating Officer's report should clearly distinguish between findings of fact and any value judgements or recommendations that the Investigating Officer may wish to make as a result of those findings.

**Commented [PMB8]:** Modification/clarification as set out in para 9 of Ctte report.

#### 4.6. Formal Grievance Resolution meeting/hearing.

4.6.1. In most cases, a formal meeting will be required in order to have a discussion about a grievance and make an attempt to resolve it (this may include agreeing future actions for addressing the concerns raised and organising a review meeting at a specified point in time). If the manager who oversees a grievance believes that it can be resolved without a need to hold a formal meeting, they should contact the aggrieved employee in writing to notify them of the outcome of the grievance resolution process.

4.6.2. The meeting will normally be chaired by the manager who oversees the process, who will need to identify appropriate attendees and arrange for them to be invited to the meeting with reasonable notice- normally at least 5 working days.

4.6.3. The meeting chair will also arrange for participants to receive relevant documents in good time. Any investigation report should be shared with the aggrieved employee and, where applicable, their trade union representative. However, managers must consider the need to safeguard the confidentiality of any sensitive data or information that may be included in an investigation report. Detailed advice is available from HR and Information Governance.





4.6.4. At the conclusion of a grievance resolution hearing/meeting, the chair will summarise the meeting outcome[s] and any next steps or actions agreed by participants. In some cases, a meeting may need to be adjourned. Where that happens, the chair should clearly communicate their rationale for adjourning the meeting.

4.6.5. The chair of a grievance hearing/meeting will write to the aggrieved employee [and, where applicable, their trade union representative] within 5 working days of the meeting with formal confirmation of the outcome[s] and an outline of the employee's right to appeal the decision[s] in line with this Policy and Procedure.

#### **4.7. Appeal process.**

4.7.1. If a grievance is not resolved to the satisfaction of the aggrieved employee, the employee may file an appeal with the relevant Head of Service or another manager of appropriate seniority. Managers who receive a grievance appeal will decide whether it would be appropriate to oversee the process themselves or delegate it to another competent officer of the Council (who will normally be more senior than the manager who had been responsible for overseeing the first stage).

4.7.2. The manager overseeing the appeal will acknowledge receipt of the grievance appeal within five working days. They will then need to assess the relevant information, including any investigation report and meeting notes, and make a decision as to whether there is a need for further investigation or fact-finding discussions to take place prior to holding an appeal hearing.

4.7.3. Where a need for a formal investigation is identified, the process set out earlier in this policy will be followed. Where, on the other hand, the manager is satisfied that they have sufficient information to hold an appeal hearing, they should proceed with arranging such a hearing and inviting the aggrieved employee and other appropriate participants to it.

4.7.4. Appeal hearings will be conducted in a manner that mirrors the approach to the first formal stage of this Procedure. However, any decisions at the appeal stage will be final; employees have no right to further escalation.

## **5. Collective grievances- principles and overview**

### **5.1. Scope and principles of the collective grievance section.**

5.1.1. This section is used to resolve collective grievances. A 'collective grievance' is a concern shared by a group of employees.



5.1.2. The Council and the trade unions agree that those involved will endeavour to settle all collective grievances fairly and promptly, resolve problems informally, and settle any differences as near as possible to their point of origin.

5.1.3. The Council's approach to dealing with collective grievances will broadly mirror its management of individual ones, although there are some considerations and procedural aspects that will be different due to the nature of a collective grievance.

## **6. Collective grievance resolution - The process**

### **6.1. Informal discussions.**

6.1.1. As set out earlier in this Policy and Procedure, employees are encouraged to resolve any grievances informally and discuss the matter with their immediate line manager.

6.1.2. When a group of employees find they have the same, or similar, concerns they may elect a spokesperson to discuss the matter with a union representative from one of the Surrey County Council Trade Unions. The Trade Union representative will approach the manager of the aggrieved employees with a view to considering whether the common concerns may be addressed informally using e.g. individual restorative meetings or a team restorative circle. If the employees are not trade union members, or do not wish for trade unions to be involved in the process, they may designate a group member as their representative for discussions with management.

### **6.2. First formal stage.**

6.2.1. Where informal discussions have not resolved a collective grievance, the accredited trade union representative [or group member] acting on behalf of the aggrieved group will formally register the collective grievance with the manager of the group in writing outlining the substance of the grievance; any informal discussions already held to attempt to resolve the matter; the reasons why the group remain dissatisfied; and the remedy or outcome they seek. Copies of correspondence must be sent to the HR Advisory team.

6.2.2. Managers receiving a collective grievance will be expected to follow the process that applies to individual grievances [set out earlier in this document] as far as reasonably practicable.

6.2.3. If the needs of a particular collective grievance present complications to the application of the process, the manager overseeing it should take detailed advice from HR.



6.2.4. If, at the conclusion of the process, the aggrieved employees are dissatisfied with the management response, an appeal may be made to the Head of Service or other manager of appropriate seniority.

### **6.3. Collective Grievance Appeal.**

6.3.1. The group's representative should write to the Head of Service, or other manager of appropriate seniority, sending a copy to the HR Advisory team.

6.3.2. They should set out the reason for the collective grievance; any points of dissatisfaction/disagreement with the management response; and the resolution that they seek. Copies of any correspondence arising from the previous stage should be provided as part of the appeal.

6.3.3. As with the first stage of the process, the approach to resolving a collective grievance appeal will mirror that of an individual one. However, the parties may agree for the issue to be referred to, or included in, deliberations within the framework of a Directorate Joint Consultative Committee.

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