



SURREY

# Grievance Procedure

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# Purpose

The formal grievance procedure provides more detailed guidance that support employees and managers in the Council in dealing with grievance situations. It is supported by a guidance document consisting of FAQs and template documents and letters and should be read alongside the Grievance Policy.

This procedure should be used when attempts to resolve issues and complaints informally have not been successful.

## *Informal Stage*

*If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.*

It is in the best interests of all involved to resolve any grievances quickly and informally through discussion, when a problem or issue arises.

Employees are encouraged to discuss the matter with their immediate line manager or, if this is not possible, an appropriate senior manager in an attempt to resolve it. Making use of the restorative approach referred to in the Policy.

This process does not form part of the formal procedure. Where informal discussion does not resolve the issue then the formal grievance procedure will be used.

## ***Formal Stage – Raising a grievance***

*Where the informal approach does not resolve the issue then the employee will put their concern in writing to ask for a formal grievance meeting.*

Employees should put their grievance in writing to the manager of their immediate line manager, or if unavailable, to another senior manager within the service, using the Stage 1 Grievance form.

Chief/Deputy Chief Officers 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. Where appropriate the Director of HR&OD may be a designated contact.

Upon receipt of a grievance, the manager will assess whether it is practicable and/or appropriate for them to oversee the grievance resolution process. If they feel that it is not possible or appropriate they will identify a manager who would be suitable to oversee it and agree to hand the case over.

## ***Formal Stage – Investigating a grievance***

*Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.*

- 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.
- The Investigating Officer will engage with appropriate stakeholders, and prepare a report to summarise the facts and viewpoints relating to the case.

## ***Formal Stage – Stage 1 Grievance meeting***

*Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.*

The meeting will allow the employee to restate and fully explain the details of the grievance and how he or she thinks it should be resolved. The main task for the manager chairing the meeting is to gain a clear understanding of the grievance by listening to the employee and asking questions to clarify the facts.

It is not usual for witnesses to attend the grievance meeting as they would usually be interviewed at the investigation stage, rather than at the meeting. However, where an employee makes a request to call a witness, the manager will consider the request and can agree it if the person in question is willing to attend and his or her attendance is likely to be helpful.

If new facts arise during the meeting that call for further investigation, the employer should adjourn the meeting and carry out the necessary investigation.

Unless the issue is straightforward, the employer should not take a decision in the meeting, but should adjourn the meeting to allow for a thorough consideration of all the information.

## ***Collective Grievances***

*A 'collective grievance' is a concern shared by a group of employees about the action that a manager has taken, or is considering taking, in relation to their employment; their working arrangements or their environment*

The process for managing collective grievances is the same as managing individual grievances with the exception of:

- They can elect a spokesperson to discuss the matter with a union representative from one of the Surrey County Council Trade Unions or a nominated employee spokesperson if they are not trade union members.
- The Trade Union or employee representative will approach the manager on 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.
- Outcomes will be sent to accredited representatives or nominated spokesperson.

## *Grievance timescales*

There are no fixed timelines for the grievance process with the however managers are required to:

- Acknowledge a grievance as early as possible;
- Investigate it within a reasonable timescales;
- Provide updates of progress every two weeks;
- Aim to complete the process within two months. Where this is not possible, the manager is required to write to the employee explaining the reasons for the delay and the expected date of completion.

A table outlining possible timescales for a non complex grievance has been put together for guidance purposes only.

# Formal Procedure Timelines – Raising a grievance

Stage	Process/Action	Timescale	Template Documents required	Further requirements
Employee submits Stage 1 grievance form	Manager acknowledges the grievance in writing.	Acknowledge within 5 working days of receipt of form	Template acknowledgement	<p>Can be sent by email or post depending on what is appropriate.</p> <p>Ensure individuals named in the grievance have been informed that a complaint has been made against them. The confidentiality of the grievance process should be respected.</p>
Investigation	<p>Following receipt of the Stage 1 Grievance form, the manager will carry out an investigation.</p> <p>If the grievance involves other members of staff, they will be informed, and given an opportunity to provide their own evidence.</p>	As soon as possible after receiving a grievance	Holding letter, if investigation process cannot be completed before the Stage 1 Meeting	<p>In many cases the investigation will be a relatively straightforward fact-finding exercise. For complex cases, an independent investigation may need to be commissioned at the start.</p> <p>Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.</p>

# Formal Procedure Timelines –Grievance Stage 1 Meeting

Stage	Process/Action	Timescale	Template Documents required	Further requirements
Invite to Stage 1 Grievance meeting	Receiving manager invites employee to Grievance Stage 1 Meeting	<p>Meeting to take place within 10 working days of receipt written grievance.</p> <p>Employee will be given 5 working days' notice</p>	Grievance Stage 1 invite letter	
Grievance Stage 1 Meeting	Employee explains grievance and how they would like it resolved. Employee has a right to be accompanied by a Trade Union representative or Work colleague	N/A	N/A	<p>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.</p> <p>Manager may adjourn the meeting to gather further information or commission an independent investigation. Employee may be asked to attend a further meeting if necessary</p>

# Formal Procedure Timelines – Grievance Stage 1 Outcome and Stage 2 Appeal

Stage	Process/Action	Timescale	Template Documents required	Further requirements
Grievance Stage 1 Written Outcome	The letter will state: <ul style="list-style-type: none"> <li>• Whether the grievance is upheld or not.</li> <li>• Reasons for the decision</li> <li>• Actions</li> <li>• Right to appeal – Stage 2</li> </ul>	Written outcome sent within 5 working days of meeting	Holding letter template	Where it is not possible to respond within 5 working days because, for example, investigatory work is not complete. The manager will give a written explanation.  Where there are several elements to the grievance then each element will need to be either upheld or not.
Employee raises Grievance Stage 2 - Appeal	The manager overseeing the appeal will acknowledge receipt of the grievance appeal	Manager acknowledges grievance within 5 working days.	Appeal Meeting invitation letter	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.

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# Appeal

Employees have the right of appeal following an outcome at stage 1.

- If an employee wishes to exercise their right of appeal, they must do so by lodging a notice with the appropriate manager stating the grounds of the appeal within 10 working days of being notified of a decision.
- The appeal will be heard by a senior manager, appointed by the Director, who has not previously been involved in the proceedings. The Director will chair any appeal against dismissal. The decision of the chair is final.
- A decision will normally be given verbally and confirmed in writing within five working days of the appeal hearing.

# Other helpful bits

This page has useful stuff .....

Guidance document that includes the following:

- FAQs
- Model Formal Grievance Meeting structure
- Template Letters
- Template Investigators report
- How to... Stage 2 Appeals process
- How to... chair a grievance meeting

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