

Surrey County Council

Grievance Policy

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SURREY

Grievance Policy

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Appendices

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Policy Scope and Purpose	
Scope and Purpose:	<p>The aim of this policy is to identify what might give rise to a grievance, where to address things that are not grievances and establish a fair, effective and consistent way of dealing with grievances.</p> <p>The policy does not cover collective disputes 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.</p>
Start point of the Policy:	The formal grievance resolution procedure should only be used if attempts at informal resolution have not been successful.
End Point of the Policy:	When an outcome/resolution has been achieved either at Stage 1 or Stage 2.
Legislative requirements:	ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.
Who uses this Policy:	This Policy applies to all Surrey County Council (SCC) employees on Surrey Pay and employees on different terms and conditions in the absence of national conditions, except firefighters and teachers employed by schools.
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and procedures • Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members • The Human Resources team will be responsible for providing guidance and direction • All parties will be expected to apply the policy correctly
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

1. Introduction

- 1.1. Grievances are defined as concerns, problems or complaints that employees raise with their managers. Surrey County Council is committed to creating a positive working environment whereby managers and employees can discuss any problems or concerns openly and deal with them promptly and fairly.
- 1.2. The Council is keen to encourage staff to resolve any issues as quickly, locally, and informally as possible, and has developed a number of positive approaches to resolving differences in a restorative way which range from support from line managers to fairness champions.
- 1.3. The associated Procedure and Guidance will assist those involved of the approach required to handle the grievance resolution process effectively and fairly. This policy should be read alongside the procedure and guidance.

2. General Principles

When dealing with grievances it is important to deal with issues fairly taking into account the principles below:

- a. Managers and employees will raise and deal with issues promptly without unreasonably delaying meetings, decisions or confirmation of those decisions.
- b. Managers and employees are required to engage and cooperate with the process and wherever possible seek informal resolution in the first instance.
- c. Managers will carry out any necessary investigations, to establish the facts of the case.
- d. Employees who are the basis of the complaint will have an opportunity to put their case in response before any decisions are made.
- e. Employees have the right to be accompanied at any formal grievance meetings by a trade union representative or work colleague.
- f. Employees have the right of appeal against any formal decision made.
- g. All are encouraged to take the restorative approach to address conflicts and difficulties at work.

3. Issues that may cause grievances

3.1 There may be a number of issues that give rise to a grievance, which could include but are not limited to:

- The application of a current policy or procedure, terms and conditions of employment etc.
- Health and safety
- Work relations/practices
- Harassment and Bullying
- Discrimination at work.

3.2 In most instances, employees would be expected to exhaust all informal and formal routes (where appropriate) prior to raising a formal grievance. This may not be appropriate in all circumstances e.g. serious matters of bullying, harassment or discrimination.

3.3 In order to enable issues to be resolved promptly; employees will need to specify clearly the concern or complaint that they wish to be addressed.

4. Responsibilities

4.1 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 the requirements of the policy and procedure

4.2 Employees will:

- Be responsible for raising matters of concern with line managers informally (or an alternative senior manager if appropriate) as soon as reasonably practicable to ensure these matters are dealt with quickly and efficiently
- Work with the manager to seek resolution to problems
- Co-operate with any investigations or management action, whether as the complainant, potential witness or a named person in the grievance

4.3 Should an employee occupying the position of Chief or Deputy Chief Officer wish to raise a grievance they should do so via 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 a Chief or Deputy Chief Officer wishes to raise a grievance but feels it would not be possible or practicable to do so via the Monitoring Officer, they should discuss the issue with the council's Director of HR & OD. Where appropriate, the Director of HR & OD may be a designated contact.

5. Grievances raised by an employee during another formal procedure.

- 5.1 Where an employee raises a grievance during another formal procedure which is related to issues 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.
- 5.2 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.

6. Additional Support

- 6.1 Line Managers or other appropriate managers may provide good support during a grievance process however there are also other positive support networks available in the Council.

6.2 Restorative Network

The Council has 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 certain issues or incidents and seeks to provide ways in which colleagues can constructively address these in order to find a positive way forward.

The network includes an internal Mediation service; Local Workplace Fairness Champions, a Coaching Pool, Restorative HR and Restorative Facilitators. Detailed information on those networks is available on s-net.

6.3 Employee Assistance Programme

All Council employees have access to the Employee Assistance Programme who also provide confidential counselling. Further details are on the S-net.

6.4 Trade Unions

Trade unions can offer support to their members who are involved in a grievance resolution process whether they are the employee raising the grievance or a colleague/manager who the grievance is against.

6.5 Wellbeing Assessment

Managers who receive and/or oversee a grievance should consider its well-being implications on the aggrieved employee and, where applicable, to those mentioned in the grievance. Wellbeing assessment tools are available on s-net.

7. Collective Grievance

- 7.1 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 Council's formal procedure applies to collective grievances and enables managers and employees to follow the same formal stages with the exception that aggrieved employees can elect a trade union representative or nominate employee spokesperson.

8. Grievance timelines

- 8.1 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.
- 8.2 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.
- 8.3 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.

9. Partnership working

- 9.1 If the grievance issue impacts on more than one employer, every effort will be made to agree an approach that reflects best practice across the organisations involved. Managers from partner organisations will be expected to implement this policy and associated procedure when they are managing Surrey County Council (SCC) employees, with support from SCC management or HR.

10. Equalities impact and review

- 10.1 HR is responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups. Reports showing the Equality & Diversity breakdown of cases in a Directorate should be shared at least annually with Directorate management teams. The policy will be kept under regular review and amended every 3 years.

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