

**BRACKNELL FOREST COUNCIL'S
GRIEVANCE PROCEDURE**

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BRACKNELL FOREST BOROUGH COUNCIL GRIEVANCE PROCEDURE

INTRODUCTION

A Grievance is defined as a concern, problem or complaint which has been raised or discussed by the employee with the supervisor or other line manager, but has not in the opinion of the employee been satisfactorily settled in a reasonable timescale.

POLICY STATEMENT

It is Bracknell Forest Council's philosophy to treat all staff fairly and equitably. As part of that approach, this procedure provides a means for hearing and settling all grievances promptly, fairly and by as simple a means as possible.

PURPOSE

The procedure has been designed to enable employees to exercise their right to raise grievances relative to their employment and have them heard and settled. It is recognised that managers may handle complaints, requests and queries from staff on an informal basis every day, but in some cases, formal procedures may be necessary. The procedure provides a consistent method of dealing with complaints and allows issues to be addressed within the principles of natural justice.

Any potential disciplinary action arising from investigation of a grievance would be taken through a disciplinary process; the outcome of a grievance procedure is the resolution of a complaint, not a disciplinary action against another party.

Collective grievances will be dealt with under the same procedure, with one person being nominated to represent the others. A form must be completed outlining the grievance and each person must sign that they are part of the collective group.

PRINCIPLES

The Grievance Procedure is based on the following principles:

- The procedure is intended to cover matters relating to an employee's own employment. A separate procedure titled **Whistleblowing** exists for employees to have concerns addressed regarding issues at work which may not involve them directly but which causes them concern.
- Grievances will be treated seriously and resolved as fairly, equitably and quickly as possible.
- Every effort will be made to deal with matters informally before recourse to the formal procedure.
- If a collective grievance arises through a group of employees within the same or different departments relating to the same issue, they may nominate a spokesperson (who may be a trade union representative) to act on their behalf; the grievance then becomes an issue which follows the procedure outlined in this document.

- The employee who raises the grievance has the right to be accompanied by a Trade Union representative or work colleague of their choice but by no one else. A work colleague will be allowed reasonable paid time off for preparation and case presentation.
- No employee will be made to feel disadvantaged in any way because they have raised or pursued a Grievance in good faith.
- Every effort will be made to operate within the prescribed time limits; although time limits may be altered by mutual consent.
- All parties in the procedure must conform with the principle of mutual confidentiality.
- The status quo will maintain until the final outcome of any Grievance is settled, ie the situation will be kept in its current state until the outcome of the grievance is known.
- It is the responsibility of the employee raising the Grievance and the Designated Officer responding, to obtain the agreement of any witnesses to attend on their behalf and to arrange for their attendance.
- Reference in the procedure to a supervisor/Designated Officer/Chief Officer/Director will be taken to mean those officers responsible for the employee in that Department. However, if the Grievance is specifically related to or directed at any of those officers, another equivalent level officer can be nominated to act in their place. Reference can be made to the Chief Officer: HR to advise on this.
- Wherever possible, a grievance should be dealt with before an employee leaves employment. Where an employee has left employment and raises a grievance, this should be referred to the Chief Officer: HR who will decide upon the appropriate action to be taken.
- Copies of records should be made available to the employee if requested, including copies of the formal notes. In certain circumstances (for example to protect a witness) the employer might withhold some information. Records will include the nature of the grievance, what is decided, the actions taken, and the reason for the actions; whether appeals are lodged, and the outcome of appeals.

SCOPE

The procedure applies to all employees of Bracknell Forest Council with the exception of;

- ◆ Directors, Chief Officers and Heads of Service in Corporate Services (a separate procedure applies)
- ◆ School based staff (teaching and support staff)
- ◆ Employees serving a probationary period (see final paragraph)
- ◆ Employees on a short-term temporary contract in their first six months service (see final paragraph)
- ◆ Employees working on a casual basis

The procedure does not cover the following cases;

- ◆ Employees appealing against a dismissal /disciplinary decision (a separate procedure exists for this)
- ◆ Retirement on ill-health grounds (a separate procedure exists for this)
- ◆ Rules governing the pension scheme
- ◆ Job Evaluation gradings/appeals against salary gradings (a separate procedure exists for this)
- ◆ Collective disputes between Trade Unions and the Council
- ◆ Grievances related to Health and Safety at Work (a separate procedure exists for this via the Health and Safety Reps)

PROCEDURE - INDIVIDUAL GRIEVANCES: SUMMARY OF STAGES

Informal Stage

Most cases can be resolved informally by the immediate supervisor as part of their day to day management responsibilities. Any specific matter which an employee wishes to be considered must be raised with the supervisor who will attempt to resolve the issue before it is progressed to the formal stage.

The formal procedure is to deal with the minority of more serious cases where the informal approach fails to resolve the matter.

Formal Stages

Stage 1 - referral to Designated Officer

- (a) Any employee with a formal Grievance should raise the matter by completing a 'Grievance Form' available on BORIS as an appendix to this procedure, and giving it to their Designated Officer. (Designated Officers are listed as an appendix to the Disciplinary Procedure on BORIS.

The Grievance should refer to specific issues rather than general statements, such as 'I'm unhappy about conditions of service', and also state the outcome they are seeking.

The form clarifies;

- ◆ the nature of the Grievance
 - ◆ the reason for dissatisfaction with the informal solution
 - ◆ remedy the employee is seeking
 - ◆ witnesses to be called at a hearing
- (b) The Designated Officer will arrange a hearing with the employee to attempt to resolve the Grievance at this stage. An investigation of the circumstances of the grievance may be necessary and will normally take place before the hearing. The employee will be given at least 10 working days written notice of this hearing. As well as a copy of the original Grievance Form the letter should include;
- ◆ the date, time and place of the hearing
 - ◆ the employee's right to be accompanied

- ◆ name of the Designated Officer who will respond to the Grievance
 - ◆ names of any witnesses
 - ◆ any relevant paperwork including a copy of the Grievance procedure
 - ◆ a requirement for the employee to confirm at least 3 working days before the hearing, that they are able to attend; to supply any relevant documentation; and give names of any witnesses who are likely to be called. It is the responsibility of the employee raising the Grievance to obtain the agreement of witnesses attending on their behalf, and to arrange for their attendance, before passing their names to the Designated Officer.
- (c) A member of the HR Section will be available to act in an advisory capacity to the Designated Officer and may be present at the meeting.
- (d) At the meeting, the employee or their representative will be given an opportunity to express the Grievance, call witnesses and explain any documentary evidence. Where the grievance concerns the actions of another employee, that employee will also usually be called as a witness; in some exceptional cases eg where there are allegations of bullying, the Designated Officer may choose to interview the parties separately.
- (e) The Designated Officer will have the opportunity to ask questions of the employee. The Designated Officer or HR Adviser will record all the relevant information.
- (f) Where the Designated Officer is able, they will consider the Grievance and reply to the employee, giving the decision in writing within 10 working days.
- (g) Where the Designated Officer is unable to answer the Grievance without further investigation they will immediately make the necessary enquiries to enable a response to be provided within 10 working days. Alternatively if they are unable to adequately deal with the matter at their level, they can decide that it should be referred to the Director/Chief Officer for determination, with the employee being advised accordingly. This should be confirmed in writing.

Stage 2 - referral to Director/Chief Officer

If an employee is dissatisfied with the outcome at Stage 1, the Grievance can progress to Stage 2.

- (a) The Grievance should be registered by the employee or their representative in writing to the appropriate Director/Chief Officer within 10 days of the written decision made under Stage 1.
- (b) The Director/Assistant Director will arrange a Stage 2 hearing. The employee should be given at least 10 working days written notice of the hearing. The letter should include;
- ◆ the date, time and place of the hearing
 - ◆ the employee's right to be accompanied
 - ◆ name of Director/Chief Officer who will respond to the Grievance

- ◆ names of any witnesses
 - ◆ any relevant paperwork including a copy of the Grievance procedure
 - ◆ a requirement for the employee to confirm at least 3 working days before the hearing, that they are able to attend; supply any relevant documentation; and give names of any other witnesses
- (c) The Department's HR Manager will act in an advisory capacity to the Director/Chief Officer and may be present at the meeting.
 - (d) It is the responsibility of the employee raising the Grievance and Designated Officer responding, to obtain the agreement of witnesses attending on their behalf, and to arrange for their attendance, before passing their names to the Director/Chief Officer.
 - (e) The employee/employee's representative will be given an opportunity to express their view and be able to call witnesses and produce documents relevant to the hearing.
 - (f) The Designated Officer will have the opportunity to ask questions of the employee and witnesses.
 - (g) The Designated Officer will outline the decision at the previous hearing, explaining the reasons for it. The Designated Officer will be able to call witnesses and produce documents relevant to the hearing.
 - (h) The employee or their representative will have the opportunity to ask questions of the Designated Officer and the management witnesses.
 - (i) The Chief Officer/Director will consider the submissions on behalf of the employee and management, consider any new information and make a decision advising the employee in writing of the decision and the reasons within 10 working days of the hearing.

Stage 3 - Referral to an Independent Director/Chief Officer

- (a) If the employee continues to be aggrieved in respect of the original complaint, the employee, or their representative should advise the Chief Officer: HR in writing with their reasons for the further appeal enclosing any new information. This notification should be within 10 working days of the decision under Stage 2 being confirmed in writing.
- (b) The Grievance Form can be updated by the employee at this stage with decisions taken up to that point. The Director/Chief Officer should provide a written summary of the reasons for the decision to the Chief Officer:HR.
- (c) The Chief Officer:HR will then arrange a Stage 3 Hearing with an independent Director/Chief Officer from a department not connected to the employee (or employees in the case of a collective grievance). At least 10 working days' notice will be given of this hearing. The letter should include;
 - ◆ the date, time and place of the hearing

- ◆ the employee's right to be accompanied
 - ◆ name of Director/Chief Officer who will respond to the Grievance
 - ◆ names of any witnesses
 - ◆ any relevant paperwork including a copy of the Grievance procedure
 - ◆ a requirement for the employee to confirm at least 3 working days before the hearing, that they are able to attend; supply any relevant documentation; and give names of any other witnesses
- (d) The Chief Officer: HR will act as Advisor for the Stage 3 Hearing.
- (e) The Stage 3 Hearing will consider the submissions on behalf of the employee and the management side.

PROCEDURE FOR GRIEVANCE APPEAL HEARING

The following outlines the process to be followed at a Stage 3 Hearing;

- (a) The employee (or representative) will be given an opportunity to describe the Grievance and the action taken, call witnesses and present relevant evidence to the Hearing.
- (b) The Director/Chief Officer presenting the management case and the Independent Director/Chief Officer will have the opportunity to ask questions of the employee and witnesses.
- (c) The Director/Chief Officer from the Stage 2 Hearing will then explain and clarify the management action taken so far and can call witnesses and produce relevant documents to the hearing.
- (d) The employee (or representative) and the independent Director/Chief Officer will have the opportunity to ask questions of the departmental Director/Chief Officer and his/her witnesses.
- (e) The employee (or representative) and the departmental Director/Chief Officer will have the opportunity to sum up their cases.
- (f) The employee and departmental Director/Chief Officer will withdraw to allow the independent Director/Chief Officer and the Chief Officer: HR to discuss the case in private and come to a decision. All parties will be recalled to clarify points of uncertainty.
- (g) The independent Director/Chief Officer may announce their advice or decision to the parties verbally on conclusion of the hearing, but will confirm in writing within 10 working days.
- (h) This is the final decision on the matter, there will be no further right of appeal.

The independent Director/Chief Officer may decide in exceptional cases to interview parties separately, eg in cases of alleged bullying.

A similar procedure may be followed for Stage 2 Hearings, using the appropriate officers for that level. At a Stage 1 hearing there will not normally be an officer to put the "management case" although in cases where there has been an investigation of the circumstances before the hearing, an Investigating Officer may be called as a witness.

BRACKNELL FOREST COUNCIL
GRIEVANCE FORM

This form must be used in order to proceed with a formal Grievance.

You, or your Trade Union representative should complete the form and hand it to your Designated Officer. You should see a HR Adviser if you need advice about completing the form.

NAME:	DEPARTMENT:
POST TITLE: Remember you should attempt to resolve your grievance informally first. Be aware that any person named in your grievance will have the right to see this document and other documents relating to the grievance.	
Please state the precise nature of your grievance:	
When and with whom did you first raise your grievance?	
What is that person's solution to your grievance/what action has been taken to resolve it?	
Why are you not happy with the solution and what solution/outcome do you suggest?	
Please list any witnesses who are likely to give evidence for you, should it come to a hearing.	
Signed:	Date:

DECISION MADE AT STAGE 1

Outcome of hearing with Designated Officer and reason for decision:
(To be completed by Designated Officer)

Has anything changed since the original Grievance form was completed?
(To be completed by Designated Officer)

Signed: (Designated Officer)

Date: Name of Designated Officer

Employee's view:
(To be completed by employee)

If you require a copy of the notes of the hearing please let me know.

Signed: (Employee)

Date:

On completion of this section, please return the form to your HR Section

DECISION MADE AT STAGE 2

<p>Outcome of hearing with Director/Chief Officer and reason for decision: (To be completed by Director/Chief Officer)</p> <p>Has anything changed since the original Grievance or as the result of the Stage 1 hearing? (To be completed by Director/Chief Officer)</p> <p>Signed: (Director/Chief Officer)</p> <p>Date: Name of Director/Chief Officer</p> <p>Employee's view: (To be completed by employee)</p> <p>If you require a copy of the notes of the hearing, please let me know.</p>	
<p>Signed: (Employee)</p> <p>Date:</p>	

On completion please return to your HR section.

EMPLOYEES IN PROBATIONARY PERIOD OR WITH LESS THAN 6 MONTHS SERVICE

Employees still in their probationary period and those in a temporary or fixed term contract with less than six months' service are specifically excluded from the above grievance procedure. However they may have grievances which they raise with the manager either during their employment or indeed should they resign.

In the event of a grievance being raised by employees in these categories, the following three step procedure must be used:

Step One: The employee must be invited to attend a meeting with the manager, where the issue will be addressed. There will be the right to be accompanied by a trade union representative or a work colleague.

Step Two: The outcome of the meeting, will be confirmed in writing. The individual will be told in writing that there is a right to appeal.

Step Three: Any appeal will be heard by a more senior manager, usually a Designated Officer.

There will normally be ten working days notice of a meeting, and decisions will be communicated in writing within ten working days of the meeting.