

# OADBY & WIGSTON BOROUGH COUNCIL GRIEVANCE POLICY AND PROCEDURE JANUARY 2014

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## PART 1: Background

A grievance, generally speaking, is a concern, problem or complaint that an employee may wish to raise with their employer. This can arise from a number of issues and it is impossible to set out a complete list of the types of concerns, problems or complaints from which a grievance could emanate. However it is inevitable that employees will occasionally encounter difficulties in their working life; be that with their actual work, working environment or working relationships.

As an employer, Oadby & Wigston Borough Council (“the Council”) aims to encourage employees to raise such issues so that they can be resolved in a way that is reasonable and fair to all concerned, to promote enjoyable working environments and good working relationships. This policy and procedure has been designed for this purpose.

## PART 2: Purpose

The purpose of this Grievance policy and procedure is to provide the Council with the means to deal with grievances quickly, consistently and fairly.

It is intended that the Council and employees should make use of this procedure constructively in order to achieve the aim of resolving issues at the earliest possible stage, in a way that is amicable and conclusive.

## PART 3: Scope

This policy and procedure does not apply to the Chief Officers; namely the Director of Services and the three Statutory Officers - the Chief Executive Officer, Monitoring Officer and the Chief Finance Officer (section 151 Officer). Reference should be made to the Constitution of the Council and the appropriate Standing Order pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001 in respect of these Officers.

This policy and procedure applies to all other staff, irrespective of length of service, status or number of hours worked except for those covered by other grievance arrangements.

The Council expects that written grievances will be raised as soon as practically possible after the occurrence that led to the grievance, and without unreasonable delay. A guide to timescales has been set out in this policy and procedure but there may be rare occasions when there will be exceptions to the anticipated timescale for dealing with a grievance.

This policy and procedure provides working guidelines to adhere to, it is accepted that in certain circumstances these timescales can be extended with authorisation from the Head of Corporate Resources, in consultation with the employee and trade union representative.

HR guidance should be sought if any clarification is required.

The Council also has an Equality and Dignity at Work policy and procedure that provides expected standards of behaviour and practical guidance for Line Managers and employees during day-to-day work activities.

Unfortunately there may be occasions when an allegation set out in a grievance may be vexatious or malicious (such as a deliberate lie) and in such circumstances, if proven, disciplinary action may be instigated under the terms of the Council's Disciplinary policy and procedure as a result of which, dismissal may be the ultimate sanction.

This policy and procedure forms part of the Employee Handbook and is available on the intranet. It will also form part of the induction process of new employees. The policy and procedure does not form part of the normal terms and conditions of employment of any employee.

The Council reserves the right to change the terms of this policy from time to time in order to comply with legislative requirements or as otherwise necessary, following appropriate consultation with the Trade Union in cases of substantial variation.

In the case of the named officers and appendices being changed following training and recruitment of employees within the Council, the Head of Corporate Resources shall have delegated authority to make such updated changes, without Trade Union consultation

## PART 4: Equal Opportunities

The Equality Act 2010 provides the legal framework to combat unlawful discrimination and provides Public Authorities with general and specific duties relating to equality. The Council will do its utmost to uphold these duties and will always have due regard for the requirement to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

The Council is committed to having a dignified and respectful working environment which includes and encourages all staff to develop and make progress.

This policy enhances the Council's approach to equality by ensuring openness and transparency.

## PART 5: Roles and Responsibilities

<b>Line Manager</b>	Line Managers are responsible for monitoring any potential issues which may give rise to a grievance and for dealing with them, where possible, informally and in a swift and prompt manner. They should provide support and assistance to employees where a genuine grievance has been raised and seek to distinguish between actual grievances and mere difficulties with their work, their working environment or their working relationships
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	<p>They are also responsible for implementing any recommendations contained within the investigation report and any subsequent outcomes in consultation with the Head of Service.</p>
<b>Employee</b>	<p>Employees are entitled to submit grievances where they have justification in doing so; however, they must seek to distinguish between genuine grievances and mere difficulties with their work, their working environment or their working relationships.</p> <p>Employees are also under a duty to maintain a standard of conduct and performance that is acceptable to the Council and which does not provoke concerns, problems or complaints from colleagues or give rise to grievances.</p>
<b>HR note taker</b>	<p>This is a confidential, independent and impartial Officer who will take minutes at all investigatory meetings and Grievance / Appeal Hearings. They will have no part in any decision making.</p>
<b>HR advisor (Corporate Resources)</b>	<p>It is the role of HR to advise and support Managers throughout the grievance process, in the application of this policy and procedure. They will have no part in any decision making.</p> <p>Where assistance from HR is unavailable or not permissible a suitably trained officer from Corporate Resources will be nominated to assist.</p>
<b>Trade Union or workplace colleague</b>	<p>All employees have the right to be accompanied at a Grievance Hearing. The employee may be accompanied by:</p> <p>A workplace colleague A Trade Union representative</p> <p>To avoid duplication of advice and materials, if an employee has representation, all correspondence and exchange will take place directly with the representative. It is for the representative to keep the employee apprised of the progress and to supply them with copy materials if required.</p> <p>A workplace colleague or a Trade Union representative can attend any Grievance Hearing to support the employee but is not permitted to answer any questions asked of the employee in such a situation. In all cases, any Trade Union representative who is not employed must have written certification from the Union as being competent to accompany the employee.</p> <p>No external representation is permitted.</p>
<b>Investigating Officer</b>	<p>The Investigating Officer will be a trained Officer from the list at <b>Appendix C</b> who will independently and impartially investigate any potential grievance to establish whether the matter is to proceed to a Grievance Hearing or not.</p>
<b>Grievance Officer</b>	<p>The Grievance Officer will be a trained Officer from the list at <b>Appendix D</b> who will independently and impartially conduct a</p>

	Grievance Hearing.
<b>Grievance Panel</b>	The Grievance Panel will consist of 2 Grievance Officers from the list at <b>Appendix D</b> , one of whom will be nominated as the Grievance Chair.
<b>Mediation Officer</b>	The Mediation Officer will be a trained independent and impartial Officer from the list at <b>Appendix A</b> who will undertake an exercise of mediation between the parties. The Mediation Officer may also be an external independent mediator where internal Mediation Officers are unavailable or are themselves involved in the grievance process.
<b>Appeal Panel</b>	The Appeal Panel will consist of three trained Members from the list at <b>Appendix E</b> who will independently and impartially conduct the Appeal Hearing, one of whom will be nominated as the Appeal Chair.

## PART 6: Third Parties

Wherever grievances are raised against third parties not directly employed by the Council (for example clients or external agencies) those will still be investigated in accordance with this policy and procedure.

Whenever necessary, the external third party will be advised by the Council that grievances raised by Council employees will always be taken seriously and action will be taken if necessary to protect employees.

## PART 7: Exclusions

Not all matters are suitable matters to be raised, addressed and resolved under this Grievance policy and procedure.

Matters that are excluded from being dealt with under this policy and procedure will include the following:

- a) raising a grievance that has already been dealt with under this policy and procedure (and has either been resolved or alternatively rejected following appeal) within the preceding 6 months
- b) grievances that are the subject of, or appropriate to a collective dispute. These types of issues will be handled separately through discussion with the Trade Unions and should not be brought by an individual employee as part of this grievance process.
- c) issues where “protected disclosure” matters are raised, in accordance with public interest disclosure legislation – these should be dealt with via the separate Council’s Whistleblowing policy and procedure which can be found in the Employee Handbook, on the intranet.

- d) matters over which the Council has no control (for example matters determined by legislation, statute and regulations, unless the Council is in breach of the same)
- e) disputes over the grading of a post, or salary (unless contractual)

If there is any doubt about whether a grievance can be initiated under this policy and procedure, the advice of HR should be sought, in confidence. For the purpose of this policy and procedure, where assistance from HR is not available or permissible, a substitute from Corporate Resources will be nominated to assist.

The Grievance policy and procedure is set out in a number of stages.

## PART 8: Informal Procedure

Any employee wishing to raise a grievance must do so without unreasonable delay. Normally, grievances should be raised within 10 working days of any incident which gives rise to the complaint (or within 10 working days of a final incident, where there has been a series of complaints).

In all cases, if an issue can be resolved informally, that is to be encouraged.

### **Informal Discussion**

An employee should first attempt to resolve the concern or issue informally through their Line Manager. There may be cases where this is not possible because the grievance is against the Line Manager. In that scenario, an employee can approach the Line Manager of their own Line Manager or any member of HR.

In all cases, any Line Manager or member of HR who is approached in this way will:

- a) discuss the employees' concerns in confidence;
- b) make discreet investigations into the subject matter of the complaint;
- c) attempt to resolve the matter informally; and
- d) discuss with the employee whether they think mediation may be appropriate to resolve matters.

Dealing with grievances in this way can often lead to the quickest and most effective resolution. As this is an informal process, it is suggested that both the Line Manager and employee keep a note or record of the discussions and attempts at resolution before having to initiate the formal process.

The informal process should not take any longer than 10 working days unless there are exceptional circumstances.

### **Mediation**

Wherever it is possible to do so, the option of using mediation to resolve matters should be encouraged by all parties.

If internal mediation is deemed not appropriate by HR (for example, where there are highly sensitive issues or where there are suggestions of bias or prejudice by one party if an internal mediator was used) then external mediation may be sought.

Wherever mediation is contemplated as a way of resolving the issue without formal action being taken, the use of internal or external Mediation Officers who have not already been involved in the process will be considered.

Mediation involves an independent and impartial Mediation Officer assisting two or more individuals or groups reach a solution that is acceptable to everyone. The Mediation Officer will talk to both sides separately and together, if suitable and where possible. The Mediation Officer can also talk with third parties, i.e. other staff members, in order to triangulate the information provided if required. Mediation Officers are not there to make judgements or determine outcomes necessarily but are there to ask questions, ascertain information and help to uncover underlying problems with the hope that it will assist the parties to understand any issues or concerns the other may have and help them to clarify the options for resolving such issues.

If mediation is suggested in the course of trying to resolve a grievance, it should be made clear that the purpose of mediation is not necessarily to decide who is right or wrong although a mediation may involve an ascertaining of facts by approaching third parties (where an agreed list of third parties who are to be approached is approved by both parties to the mediation). Neither party can be forced to undertake mediation. It is entirely voluntary and both parties must agree. It is not a mandatory step that has to be undertaken.

As aforementioned the informal process should be designed to resolve the matter swiftly and should not take any longer than 10 working days in any event.

As a general guide, mediation will not normally be appropriate in cases where:

- a) The Line Manager can deal with resolution informally
- b) There is the possibility of criminal activity, where a decision will be needed over who is right and who is wrong
- c) The issue involves an allegation of harassment or discrimination and the individual requires the matter to be investigated
- d) Only one party wants to mediate
- e) The parties have not already been encouraged to speak to each other under the first stage of the informal process, to try and resolve the matter

Should this informal process not be capable of resolving the grievance, then the Line Manager trying to resolve the problem should write to the employee identifying the fact that the informal attempt at resolution has failed and asking the employee to initiate the formal procedure should he or she still want to proceed with the grievance.

The employee should be advised that they should try and submit the grievance without delay and in any event, no later than 5 working days following receipt of the notification that the informal process has failed.

Neither the Council nor the employee can be compelled to undergo mediation. Mediation is a voluntary process, which does not determine which party is right and which party is wrong but is aimed at facilitating and encouraging resolution as an alternative to formal action being taken.

## PART 9: Stage 1 – Formal Procedure

### **Investigations by the Council**

Upon receipt of the written grievance, an Investigating Officer will investigate the grievance as soon as practically possible. In any event, investigations shall take no longer than 10 working days from receipt of the written grievance.

All investigations shall be carried out only by one trained Investigating Officer, from the pool of Investigators set out in **Appendix C** to this policy. The list shall be reviewed annually and updated as necessary. In addition, the Investigator will be accompanied by one HR note taker.

### **Notification of Meeting**

As soon as practically possible or by no later than 5 working days of a Line Manager (or HR Officer) receiving the Investigating Officer's report, the employee will be invited to a Grievance Hearing, in front of a Grievance Panel. The letter inviting the employee to the meeting shall enclose copies of all documents reviewed by the Investigating Officer as well as the investigation report.

The letter will also confirm that the employee has a statutory right to bring along a either a local Trade Union representative and/or a work colleague (see below).

### **Representation**

No external representation (legal or otherwise) will be allowed.

The employee will be permitted to be accompanied at a Grievance Hearing by a workplace Trade Union representative, a workplace colleague or an official employed by a Trade Union. Any workplace Trade Union representative must have a certification (in the form of a letter or card) from their Trade Union as having experience of or training in representation of employees at a Grievance Hearing.

The representative will be allowed to address the Grievance Hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the Grievance Hearing. The representative does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Council from explaining their case.

In any case, where there appears to be a potential conflict of interest, the request to be accompanied by that individual will be rejected. It is open for the employee to request to be accompanied by another suitable representative who meets the requirements set out above.

HR, in rejecting the request must as a bare minimum provide:

- a) written reasons for the refusal and
- b) advise the employee of their right to request a different representative in accordance with their statutory right.

In the case of an employee asking for a work colleague as a representative, HR will make the request to the Head of Service of the work colleague. The Head of Service must provide written confirmation that he/she authorises the release of the work colleague to assist, having considered the reasonable business and operation of the Council.

In the case of a Trade Union representative not being able to represent an employee in that capacity owing to membership eligibility, etc, that Trade Union representative, before acting as a work colleague, must obtain appropriate authorisation first from their Head of Service that they may act in the capacity as a work colleague. Again, this is so as to ensure that the Council's business and operation is not unreasonably hindered since there are likely to be other suitable work place colleagues that may assist.

An employee is entitled to request the assistance from any work colleague who is willing to do so, but this must be done with the approval of the Head of Service.

### **Grievance Hearing**

The Grievance Hearing will be heard by two Officers who have undergone appropriate training. Officers shall be from a pool of trained Grievance Panel Officers, at **Appendix D**. A HR note taker will be present at all Grievance Hearings.

The aggrieved and the accused will have an opportunity to present their case at the Grievance Hearing.

Where applicable, the procedure for the hearing can follow the general procedure set out in Part 9 of the Disciplinary policy and procedure in relation to the nature, format and conduct of the hearing. The general procedure set out in the Disciplinary policy and procedure shall be adapted as necessary to facilitate a grievance process but the general principles shall be followed, see **Appendix F**.

Both parties should consider options for resolving the grievance.

If it appears that further investigation is necessary, then consideration should be given to adjourning the hearing to allow such investigation to take place. The adjourned hearing should be held as soon as possible and certainly no later than 5 working days from the adjourned hearing date.

### **Notification of Outcome of Grievance Hearing**

Once the Grievance Hearing has been concluded and a decision reached, the aggrieved/accused will be notified in writing of this decision as soon as practically possible and no later than 5 working days from the date the Grievance Hearing was held.

## **PART 10: Stage 2 – Appeal**

Any appeal may be lodged on three grounds as follows:-

1. The conclusion and / or recommendations are unreasonable either because they are not supported by the findings of the report;
2. There has been a procedural error; and/or
3. New evidence, relevant to the case, has come to light.

## **Procedure for making an appeal**

Any employee wishing to appeal against the outcome of a grievance must do so in writing to the Head of Corporate Resources within 5 working days of receiving written notification of the grievance report.

The appeal must contain numbered paragraphs setting out the nature and extent of the appeal. Copies of the following documents must be attached:

- a) the original grievance
- b) notification of outcome letters

An employee can obtain support in compiling the appeal from a workplace colleague, Trade Union representative on a confidential basis.

Documents that are not attached or referred to in the letter of appeal will not be considered as part of the appeal process, save in exceptional circumstances (for example where the existence of such documents was not known to the employee at the time of submitting the appeal).

The purpose of the Appeal is, therefore, to consider whether the process of the grievance investigation was fair and / or whether the conclusions and recommendations are reasonable in all of the circumstances. The purpose is not to reinvestigate the complaint.

## **Procedure to be followed after the submission of an appeal**

The Appeal Panel shall be from a pool of three trained Members, as set out at Appendix D of the Disciplinary policy and procedure, who have had no previous involvement in the matter.

At all times a HR advisor (or suitably trained officer from Corporate Resources) will sit with the Appeal Panel to advise on procedure only. They will have no bearing on the decision. No member of the Appeal Panel will have been previously involved in the grievance process relating to the matter being considered.

The employee should be advised in writing of his or her right to be accompanied at the appeal meeting by a Trade Union representative, a workplace colleague or an official employed by a Trade Union. In all cases, any Trade Union representative who is not employed must have a written certification from the Union as being competent to accompany the employee see Part 18 and 19 of the Disciplinary policy and procedure in relation to the Appeal and the conduct of the Appeal Hearing.

## **Notification of Outcome**

Following the Appeal Hearing, the aggrieved / accused will be provided with a written decision as soon as practically possible and no later than 5 working days following the Appeal Hearing in any event.

The written decision shall have attached any documents or investigative reports that were taken into account in reaching the decision, unless such documents / reports were referred to at an earlier stage of the process, in which case they need only be referred to in the written decision and not copied again. They must however be listed and be easily identifiable.

This is the final stage of the grievance procedure and the decision reached is final. There is no further right of appeal.

## PART 11: Timescales

If it is not possible to hold the Grievance Hearing or the Appeal Hearing within the time limits set out in this procedure, then the following shall be confirmed to the employee in writing:

- a) the reason why the delays have occurred
- b) what has been done to address the delay
- c) what further information / investigation is necessary
- d) the anticipated additional timescale required

Where guidelines have been given in this policy and procedure to take an action within a number of working days, these should be adhered to by both the employee and the Council. However, where occasionally it may be necessary to depart from this or extend timelines, approval should be sought from the Head of Corporate Resources. It is not anticipated that a departure from the timelines set out in this policy and procedure will be granted for any reason other than sickness or other exceptional or unanticipated occurrence that would otherwise render the process unfair. In all cases a written record shall be kept by HR of such requests and responses.

## PART 12: Cases where there is an overlap of a Grievance and Disciplinary

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance.

Where the grievance and disciplinary cases are related, it may be appropriate to deal with both cases concurrently.

## PART 13: Records arising from a Grievance

Written records shall be kept at all times in relation to the grievance including the following:

- a) the nature of the grievance raised
- b) a copy of any notes retained in relation to the informal process and names of Officers involved
- c) a copy of the written grievance
- d) the Council's response / decision
- e) reasons for action taken
- f) a copy of the written appeal
- g) details of the appeal and the outcome reached, including the names of the Elected Members

- h) who sat on the appeals panel will be recorded

All records will be kept confidential and retained in accordance with the Data Protection Act 1998.

Copies of any interview records should be made available to employees, as well as copies of any formal minutes may have been taken.

## PART 14: Grievance of Former Employees - Process

Every employee will be asked to partake in an exit interview on leaving the Council. It is expected that this is the final point at which any member of staff with an outstanding grievance can raise it.

Such employees should ensure that their grievance is set out in writing and addressed to the Head of Corporate Resources.

## PART 15: General

In cases where there is a shortage of impartial or independent officers in this process, appropriately trained officers can be nominated to act by the Head of Corporate Resources.

**Appendix F** is a procedural flowchart providing a quick reference guide to the procedures set out in this document and should be read in conjunction with this policy and procedure.

## PART 16: Review and Monitoring

This policy and procedure will be reviewed jointly by Trade Unions (on behalf of the employees) and management team on an annual basis.

In the case of the named officers and appendices being changed following training and recruitment of employees within the Council, the Head of Corporate Resources shall have delegated authority to make such updated changes, without Trade Union consultation.

## PART 17: Note

For the purpose of this policy and procedure where assistance from HR is unavailable or not permissible a substitute from Corporate Resources will be nominated to assist.

At all times those who have access to email facilities will receive all communication under this policy and procedure marked "Private and Confidential" through this means.

For those employees who do not have access to email facilities or who are absent from work through sickness or otherwise, communication under this policy and procedure, marked "Private and Confidential" will be delivered by hand or by first class post.

Paginated bundles as appropriate will be prepared by HR for use at the Grievance Hearings and the Appeal Hearings. As a minimum the documentation will include all sets of minutes, the Investigating Officers report, and correspondence sent to the employee or his / her representative in respect of the matter.

When HR approaches a named Officer or Member to undertake a role within any of the appendices, that Officer or Member should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner.

The ultimate responsibility however, rests with the named Officer or Member in any of the appendices, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is compromised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with this Grievance policy and procedure or the Member Code of Conduct.

## **Grievance Policy and Procedure**

### **APPENDIX A – Mediation Officers**

1 Mediation Officer shall be appointed from the Mediation Officers Pool, however an external Mediation Officer will be appointed where appropriate.

When HR approaches a named Officer to undertake a role within any of the appendices, that Officer should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner. The ultimate responsibility however, rests with the named Officer in any of the appendices, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is comprised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with this Grievance policy and procedure.

1. Crystal Andrade, Solicitor
2. Kalv Garcha, Head of Corporate Resources
3. Lynn Middleton, HR Officer

**OADBY & WIGSTON BOROUGH COUNCIL**

**APPENDIX B – “OWBC G1”**

**GRIEVANCE FORM**

Employee Name:.....

Department:.....

Set out the nature of the grievance here, giving as much information as possible:

Signed ..... Dated.....

## **Grievance Policy and Procedure**

### **APPENDIX C – Investigating Officers**

1 Officer shall be appointed from the following Investigating Officer's Pool, accompanied by one HR note taker:

When HR approaches a named Officer to undertake a role within any of the appendices, that Officer should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner. The ultimate responsibility however, rests with the named Officer in any of the appendices, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is comprised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with this Grievance policy and procedure.

#### **Regulation & Regeneration**

1. Chris Forrett
2. Jonathon Lee
3. Kirstie Rea
4. Anne Shields
5. Adrian Thorpe

#### **Corporate Resources**

1. Crystal Andrade
2. Ian Dobson
3. Lynn Middleton
4. Vanisha Patel
5. Gary Richardson
6. Adam Ward

#### **Environmental Development**

1. Nick Hague
2. Carolyn Holmes
3. Avril Lennox
4. Karen Parkes
5. Margaret Smith

#### **Operational Services**

1. Brian Kew
2. Mark Sergeant

#### **Community**

1. Julie Croshaw
2. Steve Nash
3. Sandra Parker
4. John Stemp

**Finance**

1. Paul Loveday
2. Chris Raymakers

**Customer Services**

1. David Coe
2. Jacky Griffiths
3. Diljit Mahet

**Heads of Service**

1. Kalv Garcha
2. Andrew Kupusarevic
3. Anita Pathak-Mould

**Chief Officers**

1. Anne Court
2. John Dickson
3. Mark Hall

## **Grievance Policy and Procedure**

### **APPENDIX D – Grievance Panel Officers**

2 Officers shall be appointed from the following Grievance Panel Officers Pool to form a Grievance Panel, accompanied by 1 HR note taker:

When HR approaches a named Officer to undertake a role within any of the appendices, that Officer should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner. The ultimate responsibility however, rests with the named Officer in any of the appendices, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is comprised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with this Grievance policy and procedure.

#### **Regulation & Regeneration**

1. Chris Forrett
2. Jonathon Lee
3. Kirstie Rea
4. Anne Shields
5. Adrian Thorpe

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2. Ian Dobson
3. Lynn Middleton
4. Adam Ward

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4. Karen Parkes
5. Margaret Smith

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3. Mark Sergeant

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2. Steve Nash
3. Sandra Parker
4. John Stemp

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2. Jacky Griffiths
3. Diljit Mahet

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2. Andrew Kupusarevic
3. Lee Marshall
4. Anita Pathak-Mould

**Chief Officers**

1. Anne Court
2. John Dickson
3. Mark Hall

## **Grievance Policy and Procedure**

### **APPENDIX E – Appeals Panel List**

The Appeal Panel consisting of 3 Members from the following list will be assisted by a HR advisor (or suitably trained officer from Corporate Resources) at all times.

When HR approaches a named Member to undertake a role within Appendix E, that Member should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner. The ultimate responsibility however, rests with the named Member, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is comprised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with the Member Code of Conduct.

#### **Elected Members**

1. G A Boulter
2. J W Boyce
3. M Charlesworth
4. L Darr
5. B Dave
6. Mrs L Eaton
7. Mrs J M Gore
8. Mrs S Haq
9. J Kaufman
10. Mrs S B Morris

# APPENDIX F - GRIEVANCE PROCEDURE FLOWCHART

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Employee raises grievance with Line Manager within **10** working days of incident.

Informal Procedure commenced if appropriate which should take no longer than **10** days to conclude

If informal procedure not appropriate grievance must be in writing. Proceed to Formal Procedure immediately

Informal Procedure succeeds in resolving grievance

END

Informal Procedure fails to resolve grievance

**10 working days to conclude informal process from incident date**

Employee raises written grievance within **5** working days of notification being received that informal process has failed

Investigation report

Investigation of grievance

Formal Procedure

**10 working days to investigate**

Notification of outcome within **5** working days of report

Recommendation to convene a Grievance Hearing

Convene a Grievance Hearing within **5** working days

Employee should notify the HR of the names of any witnesses they want to call and also provide any documents at least **3** days before the Grievance Hearing

Recommendation of no further action

END

Grievance Hearing held

Employee provides written appeal within **5** working days

Employee's right of APPEAL

Employee not satisfied with outcome

Notification of outcome within **5** working days

END

Employee satisfied with outcome

Employee should notify the HR of the names of any witnesses they want to call and also provide any documents at least **3** days before the Appeal Hearing

Appeal Hearing held

Notification of Outcome within **5** working days

END

**Appeal Hearing to be held within 10 working days**

**THERE IS NO FURTHER RIGHT OF APPEAL**

**Note to Line Managers: this is a reference guide only and is not a substitute for reading the procedure in full**