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GRIEVANCE & RESOLUTION PROCEDURE FOR EMPLOYEES

(Please read in conjunction with the supporting Guidance)

INTRODUCTION

The Grievance and Resolution Procedure has been developed between the Vale of Glamorgan Council and the recognised Trade Unions. This procedure will replace the anti-harassment and bullying procedure and the previous grievance procedure and will apply to all employees except staff employed directly by school Governing Bodies and employees on JNC Chief Officer terms and conditions. Agency staff who have a grievance should raise this with their employing agency who will liaise directly with relevant officers of the council.

Purpose

The purpose of the procedure is to ensure that staff fully understand that the Council is committed to creating a fair and respectful working environment and employees who have a grievance, (concern, problem or complaint) about their employment have a clear framework to enable that grievance to be dealt with. The procedure is designed to reflect the following principles-

1. Employees who have a complaint/ concern or feel aggrieved with an issue impacting or relating to their employment have a right to raise this under this procedure and to have it heard through the medium of Welsh or English.
2. Whenever possible, grievances should be dealt with informally, and consideration given to participating in mediation to seek an early resolution at the early stages of the procedure.

EXCLUSIONS

The following matters cannot be considered under this procedure:-

- disciplinary matters and appeals
- matters relating to Income Tax, National Insurance or other statutory deductions from pay
- appeals against grading
- non selection for appointment [subject to separate protocol arrangements]

THE PROCEDURE

Please read the guidance which provides clarity on the definitions of what constitutes discrimination, bullying and harassment.

Wherever possible a member of staff who is aggrieved should seek to resolve the issue informally and as early as possible and therefore should raise the matter at the earliest opportunity.

To ensure prompt resolution employees should use this policy to address concerns within 3 months of the alleged incident/ issue. Matters which are greater than 3 months old will only be considered where there is a direct link to the current matter being raised.

The grievance should be dealt with promptly and properly.

3. Access to information provided as part of an investigation will be in compliance with legal regulations and General Data Protection Regulations (GDPR). Covert recording of meetings are not permitted and may be considered by individuals as a breach of their human rights.

Where a grievance /concern is raised during a disciplinary it may, in some cases be appropriate to temporarily hold off dealing with the disciplinary in order to deal with the grievance. Where the disciplinary and grievance are, in anyway related it may be appropriate to deal with both issues at the same time following advice from the HR Business Partner.

In the event of a collective grievance (more than one person raising an issue) a spokesperson should be nominated to speak on behalf of the aggrieved group who can ensure that they are clear on the outcomes required of the individuals.

This procedure will cover issues such as:

- Terms and conditions of employment
- Health and Safety
- Relationships at work
- Discrimination, bullying, harassment, victimisation (for definitions see appendix 2)
- New working practices
- Organisational change
- Equal opportunities

This list is not exhaustive

An employee who is unhappy /aggrieved about any matter covered by this procedure should discuss the matter initially with their immediate

Supervisor/Manager [if the Supervisor is the subject of the grievance, the issue should be discussed with their Supervisor/Line Manager].

The Council will not tolerate any forms of discrimination, harassment, victimisation or bullying which is unlawful. In cases of harassment this will also include sexual orientation or gender identity in addition to other protected characteristics.

Protected Characteristics are: Age, sex, sexual orientation, disability, gender expression or gender identity, marital or civil partnership status, pregnancy or maternity, race, religion or belief. Further information is available in the Council guidance document

Informal Resolution Stage

Where the grievance is of a routine nature, it may best be resolved informally by discussion with their immediate line manager, who should keep a note of any such discussion. Working out an informal solution to a grievance or a concern allows issues to be resolved quickly and may be beneficial where there is a close working relationship between a manager and an employee. where there is a dispute between two parties consideration should be given to mediation between the parties. Mediation is a process where all parties have to work together to agree a common solution, It is important to note that mediation must be entered into voluntarily between the parties concerned with the sole purpose of coming to a working relationship for the future.

Consideration should always be given to mediation to try and agree working practices going forward.

If the grievance **cannot be resolved informally**, the formal grievance procedure should be implemented.

Dependant on the evidence of the information presented, formal disciplinary action may be taken. This may also be the case should the person(s) about whom the grievance has been raised initiate retaliation against the person who has raised the grievance / complainant, or if the complaint raised has been done for malicious or vexatious purposes.

Formal Stage

If unable to resolve on an informal basis the employee should put the grievance in writing to the line manager/ or managers manager, detailing the nature of the grievance, any witnesses and must specify the action that the employee would wish the Council to take to resolve the grievance. A copy of this submission should be retained by the employee. A copy of the form to complete is attached as appendix 1

The immediate Supervisor/Line Manager should arrange to meet the employee and his/her representative, this may be a work colleague, Trade Union representative or official employed by a trade union without any unreasonable delay, ideally this should be arranged within 10 working days. In advance of this meeting the employer should arrange for a work colleague or HR representative to attend and a note taker if necessary.

At the meeting, the employee should be given the opportunity to explain their complaint and how they would like to see it settled. The manager should summarise the complaint to ensure this has been properly understood.

If further investigation is necessary, the meeting should be adjourned to make further enquiries.

If a manager has serious concerns they must consult immediately with HR who may recommend suspension of the person about whom the grievance has been raised in order for an investigation to be carried out.

Following all investigations the manager should come to a decision and inform the employee ideally within 5 working days of the meeting. If this is not possible, the manager should explain the delay to the employee and inform them of when they can expect a response. If there are additional delays, the employee should be kept informed of the reasons for them and the revised response time.

In some cases it may be helpful to use a neutral mediator who has not been involved with the service to help sort out a grievance and maintain working relationships.

Appeal

If the employee remains dissatisfied with the response after the Formal Stage, the matter should be notified in writing to the Head of Human Resources within 5 working days of receipt of the Formal Stage response. The Head of Human Resources will arrange for an Appeals Panel to meet to consider the grievance where possible within 15 working days following receipt of the employee's bundle.

The employee and his/her Trade Union Representative, or an official employed by a trade union or work colleague, will be entitled to attend and represent the employee[s] at the Appeals Panel.

The decision of the Appeals Panel will be the final stage of the process which where possible will be advised to the employee on conclusion of the Appeal consideration and/or confirmed in writing within 5 working days of the Appeal.

Where staff raise a complaint and are no longer working for the Council this will be dealt with under Formal Stage of this procedure and any appeals will be made to a Chief Officer who has not been involved previously.

Counselling Service

Should staff wish to access the free and confidential counselling service the telephone number is 0800 174319.

If you believe a criminal offence has been committed the police should be informed and appropriate support will be provided. In the event that a manager believes that the individual has not done this and believes there may be a risk of serious harm the managers should contact the police themselves.

JB1.7.19

Grievance & Resolution Form

Prior to completing this form you should raise the matter informally with your manager.

Employee's Name	
Job Title	
Department	
Directorate	
Date	
<p>Please outline your grievance below. Please ensure that you include any witnesses to the events/ issues raised. The content of this form will be shared with the person(s) about whom you are raising a grievance.</p>	
<p>Please advise what a satisfactory outcome to your grievance would be. Please note this has to be realistic and achievable bearing in mind the other parties rights.</p>	

Any updates to the information above following the meeting with the line manager

Signed _____ Date _____

Appendix 2 Definitions of Bullying and Harassment

The council has a zero tolerance approach to anyone subjecting an employee or service user to harm, threats of harm, discrimination, bullying, harassment which relates to a protected characteristic as listed above, inappropriate language or inappropriate behaviour.

Bullying is defined by the Chartered Institute of Personnel and Development as

'Any persistent behaviour directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.'

The statutory definition of harassment is defined as

'Where A engages in unwanted conduct which has the purpose or effect of (a) violating B's dignity or (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.'

Examples of bullying and harassment include: -

- o Inappropriate actions.
- o Persistent offensive, abusive, humiliating or intimidating behaviour.
- o Abuse of power or unfair sanctions.
- o Malicious or insulting language.
- o Physical contact that is objectionable or causes offence.
- o Name calling.
- o Excluding a colleague from the team.

- o Non-verbal conduct.
- o Withholding information, which can affect an employee's performance.
- o Ignoring views and opinions.
- o displaying sexually graphic images or sexual gestures, spreading sexual rumours about a person or sending sexually explicit emails or text messages.
- o unwelcome touching, hugging, kissing
- o Setting unreasonable or impossible deadlines or unmanageable workloads.

It is the recipient of the behaviour who decides if it is unwanted and unwelcome and does not need to be directed at a person but can be witnessed or overheard.

Whether or not the conduct violates a persons' dignity or creates an offensive environment, depends on the victim's perspective and whether their reaction is reasonable in all the circumstances.

NB. The above list highlights examples of bullying and harassment but is not exhaustive.

Harassment may result in the employee feeling upset, humiliated, threatened, vulnerable or have their privacy invaded or self-confidence undermined.