

Grievance Policy

This policy was agreed by the Trust Board on 19 December 2017 to be used as an interim policy by Sandwell Children's Trust.

The intention is to review this policy by 1 July 2018 to ensure that it is fit for purpose for the Trust.

Grievance Policy

1. Introduction

Every employee covered under the scope of this policy has a right to raise any grievance, or respect and dignity complaint, relating to their employment with the exception of:-

- Any matters relating to the Disciplinary, Performance Capability and Sickness Absence Management policies
- Income Tax or Social Security matters
- Whistleblowing
- The rules of the Pension schemes
- Any matter relating to an employee's grade, rate of remuneration or other term or condition of service which is regulated by a collective agreement, except where the grievance relates to the interpretation or application of a particular provision to an individual employee.

The purpose of the policy is to ensure that complaints and concerns of employees are properly considered and resolved, and that settlement is achieved as near as possible to their point of origin.

2. General Principles

This policy does not form part of the terms of an employee's contract with Sandwell Council, which are provided separately.

This policy takes into account current employment legislation, good practice and the appropriate provisions of the ACAS code of practice.

This policy should be read in conjunction with the guidance document.

This policy is intended to be a fair and consistent method of dealing with employment matters.

The requirements of the council's equality policy have been fully incorporated into the policy.

At any stage in the process, following investigations, a manager may feel it is appropriate to invoke an alternative policy.

All parties will deal with issues promptly and not unreasonably delay meetings, decisions or confirmation of those decisions.

Where a meeting needs to be rescheduled, it can only be rescheduled once and a new date must be agreed within 5 working days of the original date. The actual meeting date need not be within those 5 days but should be as soon as possible.

All matters will remain confidential in accordance with the data protection principles, except in circumstances where there is a legal obligation to disclose such information.

Reasonable adjustments will be made to enable disabled employees to fully participate in the process.

All formal records and copies of correspondence will be retained on the employee's file.

The employee has a right to be represented at each formal stage by a trade union representative or a work colleague.

The employee has the right of appeal against a decision made during the formal process.

The final appeal meeting exhausts the internal process.

3. Key Principles

The policy is intended to resolve individual grievances and collective grievances shared by particular groups of employees within a Service area.

The council recognises that any person could be affected by unfair treatment including harassment, discrimination, bullying or victimisation, and is committed to achieving a working environment free from harassment.

It is accepted by both the trade unions and the council that until such time as the procedure is exhausted, the status quo will prevail.

Employees must lodge their grievance within 3 months of the incident taking place. In cases of harassment, bullying or discrimination, incidents may also be referred to which were prior to the 3 months to identify a pattern of behaviour over the last 6 months.

Where the grievance is against their manager and may affect the normal process, the council will appoint an alternative manager to deal with the matter.

The employee may approach a Harassment Support Officer for support.

If appropriate, mediation may be proposed at any stage of the policy. The process is voluntary and confidential, and would be conducted by an experienced mediator.

All documents that are referred to at a grievance meeting should be shared with all parties attending the meeting.

If the employee is not satisfied with the outcome(s) of the meeting(s) they may request to proceed to the next stage in writing within 5 working days of being notified of the decision.

The process must be exhausted within 6 months of the employee raising the grievance unless there are extenuating circumstances.

The timescales may be altered by mutual agreement for operational or availability reasons. Where there is no agreement to alter timescales the employee will be entitled to proceed to the next stage or management may hear the grievance in the employee's absence.

Previous decisions made at any stage of the policy can be considered at subsequent hearings but do not set a precedent for deciding the outcome of future similar grievances.

4. Scope

The policy applies to all employees of the council with the exception of:-

- teachers
- employees based in schools where delegated powers to governing bodies apply
- workers (e.g. people engaged through Templink)

The minimum levels of supervisor/manager with the authority to action the stages of the policy are set out in the council's schedule of designated officers.

5. Statement of Process

Stage 1 – Informal

Employees should aim to resolve grievances with the Supervisor/Line Manager through the informal stage, and this should be exhausted before proceeding through to the formal stage. In exceptional circumstances, where it is agreed it is not appropriate to use the informal stage, an employee may go straight to Stage 2 – Formal.

If it is a harassment or bullying complaint, the alleged harasser must be approached and told to stop the unwanted behaviour prior to entering the process.

Wherever possible, the Supervisor/Line Manager will meet with the employee within 5 working days from the date the employee raised their grievance on a Grievance Notification Form.

Stage 2 – Formal

If a grievance cannot be settled informally then the employee can proceed to Stage 2, using the Grievance Notification Form to provide details of why they wish to proceed.

Wherever possible, the Chair will hear the grievance within 15 working days of receipt of the notification form, however, they may call further meetings if any additional information is required to make a decision.

The Chair may recommend that a formal investigation should be instigated if it is felt that the harassment, bullying or discrimination falls under the disciplinary policy. Following receipt of the investigation report a decision will be made about what action to take.

If a disciplinary hearing is called as a result of the investigation the complainant has no further right to proceed with their complaint under the grievance policy. If a disciplinary hearing is not called and the complainant is not satisfied with the outcome then they do have a right to appeal under the grievance policy.

Stage 3 – Appeal

Wherever possible, this should take place within 15 working days of notification of the appeal.

This is the final appeal stage in the Grievance Policy.

6. Method of Monitoring and Evaluation

The outcomes of the process will be regularly monitored by Senior Management.

7. Version Control

Version 12 produced 28 February 2012.