

Introduction

It is recognised that from time to time, employees may have concerns or complaints in relation to their employment.

This policy has been developed for the safety and well-being of employees and in accordance with ACAS Code of Practice.

Aims of Policy

To provide a single framework for ensuring the resolution of an individual grievance as quickly as possible and at the appropriate level.

Scope

This policy applies to all employees with the exception of those employees working in maintained schools under the direct control of a school Governing Body.

School Based Employees

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

To be read in conjunction with

[Grievance Guidance](#)

[Capability Policy](#)

[Disciplinary Policy](#)

[Bullying and Harassment Policy](#)

[Job Security Policy](#)

Principles

Employees must have a clear and transparent procedure if they feel aggrieved and the Council / School must ensure that grievances about any aspect of employment can be registered without fear of retribution and/or reprisal.

The policy applies to all individual grievances including interpretation of terms and conditions of service, working practices or arrangements or proposed changes to working practices or arrangements, or relationships with other employees.

The policy may also apply where a similar grievance is held by more than one member of staff and it is agreed that the grievances be dealt with collectively. However, the Council / School reserves the right to deal with such circumstances outside of this policy, subject to agreement with its Trade Unions.

The policy does not apply to:

- Bullying and harassment (see [Bullying and Harassment Policy](#))
- Decisions resulting from formal processes, such as disciplinary, capability and managing change procedures
- Grievances related to a substantive grade
- Disputes against Council / School policies which have been fully consulted and agreed by the recognised Trade Unions. It is appreciated that an individual may feel aggrieved in the event of a council policy being incorrectly applied.
- A complaint raised against:
 - o A Trade Union official, where the complaint arises as a result of the representative carrying out Trade Union duties on behalf of a third party. Such complaints must be directed to the relevant Regional Office.
 - o Third parties that contract with the Council / School. Such complaints must be directed to the third party organisation.

This Policy and accompanying guidance document is also available in Welsh. Should you wish for any process under this Policy to be conducted in Welsh please advise the relevant manager and this can be arranged.

Managers must ensure that grievances are registered and addressed in a fair, reasonable and timely manner.

As the aim of this policy is to ensure the resolution of grievances, employees are expected to raise grievances in a timely manner, and as soon as possible once they become aggrieved. **Only in exceptional circumstances will grievance be considered which relate to historical events.**

Employees must not raise vexatious or malicious grievances. In the event of an employee raising a grievance which is found to be vexatious or malicious, action may be taken against the employee in accordance with the Council's / School's Disciplinary Code.

Employees have the right to representation by a Trade Union Representative or a work colleague during the formal grievance procedure.

In the event of a grievance being raised during another formal employment process, such as a disciplinary investigation, where the outcome of the grievance may have a direct bearing on the other employment process, that process may be temporarily suspended in order to deal with the grievance. Where it is felt the grievance does not have a direct bearing on the other employment process it may be appropriate to deal with both concurrently.

POLICY

GRIEVANCE

The grievance procedure is summarised in a [flowchart](#).

Employees should raise their complaint(s) with their immediate manager in the first instance. If an immediate manager is the cause for concern, then the matter should be raised with the next tier of manager.

School Based Employees

Where an employee's complaint is against the Head Teacher, the matter should be raised with the Chair of Governors in the first instance.

Every effort should be made by the employee and manager to resolve grievances informally. Where this is not possible the formal procedure should be instigated.

When an aggrieved employee brings a matter to their manager's attention which directly involves another employee(s), consideration should be given to a facilitated discussion taking place between both employees. A manager may also want to consider a more formal mediation process, dependant on the nature of the grievance.

The aim of a facilitated discussion and/or mediation process is to positively intervene in a dispute through the agreement and equal participation of all parties in order to determine a resolution. It may be necessary for those parties involved in facilitated discussion and/ or mediation to attend separate meetings to discuss their grievance initially and if deemed appropriate, each party will then be invited to take part in joint meeting to discuss a way forward. In the event of the issue not being fully resolved, an individual may decide to pursue this as a formal grievance.

Formal Grievance

Where a grievance has not been resolved informally, and the employee wishes to pursue their grievance formally they must complete **Part 1** of the [Grievance Form](#). When completing the form the employee must include:

- The nature of their grievance(s)
- Details of the actions they have taken to resolve the grievance(s) informally and with whom
- The reason/s why they remain aggrieved following the informal discussion
- The outcome that they are seeking to resolve their grievance

The form needs to be forwarded to an independent manager. The independent manager should be no less than a fourth tier manager.

School Based Employees

In most cases this will be the immediate managers' manager, subject to this independent manager being

an Assistant or Deputy Head Teacher or above.

Where a grievance is against the Head Teacher, the grievance will need to be heard by the Governing Body's Staff Grievance Committee.

On receipt of the Grievance Form, the manager should make a decision as to whether it is necessary to meet with the employee in order to respond to their grievance. In most cases the manager will need to meet with the employee in order to fully understand their grievance and to gather any relevant information. If a meeting is to be held with the employee it should be within seven calendar days, or as soon as is reasonably practicable.

Employees have the right to representation by a Trade Union Representative or a work colleague. The employee and their Trade Union Representative should be advised if there are any delays in dealing with a grievance ([Holding Letter for Grievance/ Grievance Appeal](#)).

Following the meeting, the manager may need to look into the issue(s) raised and gather additional information which may involve meeting with other employees. Once the manager has considered the grievance they may invite the aggrieved employee to an outcome meeting to confirm their findings. The outcome must be sent to the employee in writing and this letter should include the right of appeal.

Formal Grievance Appeal

If the employee remains aggrieved they have seven calendar days in which to exercise their right of appeal from the date of the outcome letter. The appeal must be made in writing using the **Part 2** of the [Grievance Form](#) stating the grounds for the appeal.

The appeal should be heard by an independent manager. The independent manager should be no less than a third tier manager. The independent manager may also request to meet with the manager who heard the initial grievance.

School Based Employees

In most cases, the grievance appeal will be heard by the Head Teacher. However, where a grievance is against the Head Teacher OR the Head Teacher heard the grievance at the previous stage, the grievance appeal will need to be heard by the Governing Body's Staff Grievance Appeal Committee.

Where the grievance is against the Head Teacher, and was heard by the Staff Grievance Committee, the Chairperson of the Committee may be required to attend the appeal meeting.

On receipt of the appeal form a date for the appeal meeting must be scheduled. The meeting does not need to be held within seven calendar days of receipt of the form but should be arranged in this time frame, and should be dealt with as soon as is reasonably practicable. Employees have the right to representation by a Trade Union Representative or a work colleague. The employee and their Trade Union Representative should be advised if there are any delays in dealing with a grievance ([Holding Letter for Grievance/ Grievance Appeal](#)).

If the manager hearing the appeal feels that insufficient information has been provided, the appeal may be adjourned to gather additional information before confirming a decision.

The outcome of the appeal may be one of the following:

- Dismiss the appeal and uphold outcome of formal grievance decision
- Dismiss the appeal but recommend alternative remedies to the grievance
- Uphold the appeal and overturn outcome of formal grievance decision

Following the appeal meeting, the decision must be communicated to the employee in writing within seven calendar days ([Formal Grievance Appeal Meeting Outcome Letter](#)). The employee and their Trade Union Representative should be advised if there are any delays in dealing with a grievance appeal ([Holding Letter for Grievance/ Grievance Appeal](#)).

The decision reached at the appeal meeting is final; there is no further right of appeal.

Trade Union Officials

For the purposes of this policy a Trade Union Official is defined as one of the following:

- Full time Officer employed by a Trade Union
- Lay Trade Union Representative, subject to certification by the Union that they have received training or are experienced in acting as a worker's companion.

Certification may take the form of a card or letter for the above representatives. An employee has the right to request that an official from a Trade Union that they are a member of not recognised by Newport City Council to act as their representative. In these circumstances, appropriate certification must be provided by the representative prior to any meeting or hearing taking place.

The Regional Office will be informed of the disciplinary action being considered, after obtaining the employee's agreement. Where disciplinary action is being considered against an employee who is a Trade Union Representative, the normal disciplinary procedure should be followed.

Work Colleague

A work colleague is defined as somebody who is currently employed by Newport City Council. However, a work colleague should not be somebody who may prejudice the hearing or have a conflict of interest.

A worker who has been requested to accompany a colleague will be allowed a reasonable amount of time off to fulfil the responsibility. Time off should not only cover the hearing itself but also a reasonable amount of time to familiarise themselves with the hearing, confer with the employee facing the allegations, etc.

At the hearing the work colleague will have the right to address the hearing, but will have no right to answer on behalf of the employee.

Grievances Against Senior Officers

Should a grievance be raised against a Head of Service, Strategic Director or Head of Paid Service (the Chief Executive) the Head of People & Transformation must be notified of this.

The grievance process should be conducted by:

- Strategic Director if the grievance is in relation to a Head of Service
- Chief Executive if the grievance is in relation to a Strategic Director
- Members if the grievance is in relation to a Head of Paid Service (Chief Executive)
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Grievances Against Members of School Governing Bodies

This policy does **not** apply to grievances against members of School Governing Bodies. If a Council / School employee feels they have a grievance against a member or members of a School Governing Body, they should contact the Clerk to the Governing Body via the Council's Governor Support team, who will be able to provide the employee with details of the School's Complaints Policy, which is the appropriate route for dealing with grievances against Governors.

Grievances Against Elected Members

The policy does **not** apply to elected members. Elected members are governed by a statutory Members' Code of Conduct which is enforced by the Public Services Ombudsman. If a Council / School employee feels they have a grievance against an elected member, they should contact the Head of Law and Standards who will be able to advise them on the appropriate process they can follow. In addition, members of the public who feel that they have been the subject of such behaviour from a Council or School employee should be referred to the Council / School Complaints Policy as appropriate.

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Document Control

Version	Date	Author	Notes/Changes
V1	16/02/2011	Human Resources	Fundamental Policy Rewrite and New Template
V1.1	02/03/2012	Human Resources	Spelling and grammatical changes
V1.2	23/01/2013	Human Resources	Service Area to People & Transformation, Senior Mgt Titles and Template change
V1.3	01/03/2013	Human Resources	Re-establishment of links
V1.4	22/09/2017	Human Resources	Version control added
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