

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

20 OCTOBER 2020

REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

A.3 GRIEVANCE POLICY AND PROCEDURE REVIEW

(Prepared by Katie Wilkins & Jo Williams-Lota)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Conflict Resolution Policy & Procedures in line with employment legislation and identified best practice.

EXECUTIVE SUMMARY

The purpose of the review of the Council's Conflict Resolution Policy and Procedures is principally to reflect changes of procedure in accordance with ACAS requirements and employment legislation (*including recent case law*).

The ACAS statutory Code of Practice on disciplinary and grievance procedures provides basic practical guidance to employers, employees and their representatives and sets out principles for handling grievance situations in the workplace. The main principles are:-

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions;
- Employers and employees should act consistently;
- Employers should carry out any necessary investigations, to establish the facts of the case;
- Employers should give employees the opportunity to put their case before any decisions are made;
- Employers should allow employees to be accompanied at any formal grievance meeting;
- Employers should allow an employee to appeal against any formal decision made.

The revised Grievance Policy and Procedure (*and accompanying guidance*) follows the ACAS Code of Practice and provides both employees and managers with a robust framework for dealing with an employee's problem or concern at work.

The Policy and Procedure sets out:-

- Purpose and Scope of the policy and procedure;
- Responsibilities of both managers and employees;
- How to raise a grievance - the informal stage;
- The formal stage of the Procedure;
- Appeal stage of the Procedure;
- Role of mediation.

The implementation of the revised Grievance Policy and Procedures (*and supporting guidance*) will allow the Council to more effectively and consistently resolve employee's problems and concerns at work, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.

Unison has been consulted on the revised Grievance Policy and Procedures (*and supporting guidance*) and have offered agreement and support for the implementation of these proposals.

RECOMMENDATION(S)

It is recommended that:-

- **The Human Resources & Council Tax Committee approve the content of the revised Grievance Policy and Procedure (*and supporting guidance*).**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This updated policy will ensure that the organisation continues to observe recognised best practice and employment legislation as a responsible employer.

FINANCE, OTHER RESOURCES AND RISK

No specific risks have been identified. This is a policy refresh and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

LEGAL

The Council has a duty to ensure its Grievance Policy and Procedures are compliant in accordance with employment law and best practice in line with ACAS Codes of Practice and guidance.

OTHER IMPLICATIONS

None

PART 3 – SUPPORTING INFORMATION

Grievance Policy and Procedure

The Council's Conflict and Grievance Resolution Policy & Procedure has undergone a comprehensive review.

Rather than making any substantial changes to the process, the revised document provides more clarity on the roles and responsibilities of managers and employees, when following the procedure. It also provides more detailed guidance on how an employee's grievance can be resolved robustly and effectively.

The term 'conflict resolution' has been removed from the title as it was found that this term was confusing, and some managers and employees were not clear of the purpose of the document from this title.

The amended policy and procedure offers a fair and consistent approach to all our employees. It gives clear guidance on what the expectations are of the employee and the manager in relation to dealing with a problem or concern at work

The informal stage of the procedure has been expanded and developed to encourage employees to raise and resolve their problems and concerns at an early stage with their immediate manager.

Accompanying guidance has been developed to further support managers and employees through the process and provide practical advice and support.

The importance of investigating a grievance has been highlighted through recent case law. Therefore, the revised document ensures that focus is placed on this critical stage of the procedure. Furthermore, the accompanying guidance provides in-depth advice and information on the investigation stage of the process.

Whilst it is recognised that mediation can have a vital role in resolving an employee's grievance, it was felt that the material relating to mediation and the accompanying forms would be more appropriately located in separate guidance (*Guidance on Mediation*).

CONCLUSIONS

The updated Grievance Policy & Procedures will ensure that the Council maintains its high standard of employment practices and has a policy that observes best practice and current employment legislation.

APPENDICES

Grievance Policy & Procedures – September 2021