

BRISTOL CITY COUNCIL

HUMAN RESOURCES COMMITTEE

For Resolution

20th January 2011

Report of: Service Director: Strategic HR & Workforce Strategy

Title: Revisions to the Grievance Procedure

Officer Presenting Report: Mark Williams, Corporate HR Manager

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RECOMMENDATION

The Committee is asked to approve the revised Grievance Procedure as set out in Appendix A. The proposals are:

1) emphasis on informal resolution through the addition of a distinct informal stage in the process, reducing the reliance on formal resolution and investigations; and

2) changes to the arrangements for appeal by discontinuing the involvement of elected members in the process for all employees below service director level; and

3) to consider introducing below 1st and 2nd tier level, a revised officer level process involving managers/directors, HR and (where necessary) a legal representative and;

4) to note that grievances lodged before the implementation date of the new procedure will be dealt with in accordance with the existing procedure (i.e. the Employee Grievance Procedure that is in force up to 31st March 2011).

5) The date of implementation of the revised Grievance Procedure is 1st April 2011. The revised appeal arrangements will be reviewed in April 2012, and reported back to this Committee thereafter.

5) The revised Procedure does not apply to schools.

Summary

The revisions are part of a planned programme of work to review all key HR policies to ensure that they are accessible and easy to use.

The recommended changes will provide an effective framework to resolve employee grievances, through emphasis of the importance of early, informal resolution and improving the working relationships between managers, teams and employees.

The significant issues in the report are:

As set out in paragraph 4.

1. Policy

- 1.1 The key differences between the existing policy, and the revised versions, are as summarised in paragraph 4 below.

2. Consultation

2.1 Internal

The Policy has been the subject of consultation with the Strategic Leadership Team who support the introduction of the new simpler procedure and the discontinuation of elected Member involvement in appeals.

The development of the new procedure has taken place in conjunction with managers, HR practitioners, Legal Services and representatives from the Equalities and Community Cohesion Team.

Trade Union consultations took place on 19th November 2010 and 3rd December 2010, 17th December 2010 and 10th January 2011. A number of changes to the procedure and guidance have been discussed with the trade unions. Their position is as follows:-

- The introduction of an informal stage to the grievance procedure is strongly supported.
- The the discontinuation of elected Member involvement in Grievance

Appeals is not supported by the unions. However, the majority of the trade union side would support the introduction of a Joint Appeal Panel with a Councillor instead of a manager, on a trial basis.

- The planned development programme for trade union representatives, self organised group chairs and equalities officers on informal conflict resolution is supported.

Consultation has also taken place with the Self Organised Groups informally and with a formal meeting on 22nd November 2010. The groups strongly support the shift in emphasis towards the informal resolution of grievances and positive feedback was received on the introduction of the Management and Employee Guidance.

2.2 External

Whilst there was no external consultation a review was undertaken of the practices on other comparable authorities (Appendix B).

3. Context

- 3.1 Evidence from HR, managers and employees indicate that the current Grievance Procedure requires simplification to the the process and language. There is also evidence that grievances increasingly progress straight to the formal stage including the commissioning of a formal investigation. This lengthens the process, has an adverse effect on working relationships and is costly to the Authority.
- 3.2 Analysis of recent HR management information has identified disproportionate representation (both higher and lower) of some equalities groups in grievance cases, however this is based on a limited data set.

From the small number of cases compared to the total workforce:

- a higher proportion of disabled staff put in a grievance than non-disabled staff;
- a higher proportion of black/black British and BME staff put in a grievance than white staff; and
- a lower proportion of lesbian, gay and bisexual staff put in a grievance than heterosexual staff.

- 3.3 The Grievance Procedure, as a consequence, has been revised to:

i) make it easier to understand and operate. This is through the introduction of a distinct informal stage and it is the expectation that all grievances will be considered informally before any progression to the formal stage.

ii) discontinue elected Member involvement in grievance appeals. This change in the appeals mechanism accords with the approach taken by some other councils and with the Council's appeal arrangements under the Work-life Balance Policy and the Job Evaluation Scheme.

iii) help address the disproportionate representation of some equalities groups in grievance cases. Equalities data will be reviewed on a biannual basis in the future to assess the impact of the revised Procedure.

3.4 Benchmarking data (Appendix B attached) received from other local authorities shows that there is a split between those authorities who have retained Grievance Appeals at Member level, and those who have moved to an 'officer only' appeal process. The majority of Core Cities have an officer level appeal process.

3.5 SLT considers the discontinuation of Elected Members in relation to grievance appeals is essential. SLT has also confirmed that it would accept a joint appeal panel including a manager, trade union and HR representative, providing it was introduced on a trial basis only (say for a 12 month period?), and supported by the trade unions as an alternative to Member level appeals. As indicated in the "Consultation" paragraph (2.1 above), the trade unions have advised HR that they do not support the discontinuation of Member level appeals for grievances, although they would support a joint Councillor and TU Appeal Panel.

4. Proposal

4.1 The key amendments are:

- i. Greater emphasis regarding grievance resolution through informal procedures instead of a dependence on formal procedures and investigations. This is consistent with the ACAS advice on handling.
- ii. Additional support for managers and employees through the introduction of new guidance and 'Frequently Asked Questions'.
- iii. A proposed discontinuation of Elected Member involvement at grievance appeals at Stage 3 of the Procedure in favour of an officer

level appeal process. The Panel will be chaired by a Service Director (or nominated representative) and will include a Strategic HR Adviser and a trade union representative. Where appropriate (e.g. a grievance about discrimination) a legal adviser will also provide support.

- 4.2 It is considered essential that employee advocates are provided with appropriate support and development in resolving workplace conflict. Consequently, a structured one day course on conflict resolution is being developed with an external provider which will focus on informal resolution. This programme will be provided to trade union representatives, self organised group chairs and equalities officers. This will be delivered prior to the implementation of the new procedure.

Further management training is also required in order that they can develop their skills in resolving complaints and conflict.

- 4.3 Grievances where the various stages have not been completed by the implementation date of the new procedure (4.5 below), will be completed under the present procedure.
- 4.4 The appeal arrangements for grievances submitted by 1st and 2nd tier directors, are unchanged (ie Member level appeals).
- 4.5 The revised procedure, if approved, would be implemented with effect from 1st April 2011.

5. Other Options Considered

- 5.1 The option of continuing with a Member level Grievance Appeal process is not being pursued, on the basis that grievances (in the interests of all parties) should be resolved as quickly and effectively as possible (as set out in paragraphs 3.1 to 3.3 above), without necessitating the formal involvement of Elected Members.
- 5.2 The organisation of grievance appeals will in future be undertaken by the Corporate Employee Relations Team, and not by Councillor support.
- 5.3 The option of having a Councillor on an officer level Appeal Panel was considered, but is not recommended.

6. Risk Assessment

- 6.1 There may be opposition to the proposed changes from the trade unions. However, the proposals are designed to simplify the grievance process and reduce the disproportionate impact of the procedure on under represented groups.
- 6.2 Furthermore, the officer only level process will be monitored and reviewed in April 2012, with a further report to this Committee at that stage.

7. Equalities Impact Assessment

- 7.1 Provided in Appendix D.

Legal and Resource Implications

Legal

This Report details changes to the Employee Grievance Procedure. The amendments to the Policy have been undertaken in accordance with legal advice. The Procedure reflects the requirements of the ACAS Code of Practice on Discipline and Grievance.

(Advice from Husinara Jones for Head of Legal Services)

Financial

(a) Revenue:

There are no direct financial implications arising from this report, the purpose of which is to replace the existing Grievance Procedure with a new simpler version.

(Advice from Stephen Skinner, Finance Business Partner Corporate Services and Deputy Chief Executive's Directorates)

(b) Capital:

Not applicable.

Land

Not applicable.

Personnel

As set out in paragraph 4.1 to 4.4 and in Appendix A. Any grievance lodged in the period up to 31 March 2011 will be considered in accordance with the existing arrangements. This would include an Appeal right to the Employee Appeal Committee.

Appendices

Appendix A - Revised Grievance Procedure

Appendix B - Relevant Benchmarking Data

Appendix C - Guidance for Managers re the Grievance Procedure

Appendix D - Guidance for Employees re the Grievance Procedure

Appendix E - Equalities Impact Assessment

Appendix F - A Summary of the Number and Outcomes of Grievance Member Appeals

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.



DRAFT

GRIEVANCE PROCEDURE

Correct at: 1 April 2011

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History of most recent Policy Changes – **Must be completed**

Date	Page	Change	Origin of Change (e.g. TU request, change in legislation etc)
November 08	App B	Removed Monitoring form as this information is collected elsewhere and ref to it in policy	
6 April 09		Ss 1 (if being considered as part of a different procedure, 2 (ex-employees), 3 (grievance to be submitted on grievance form), 4 (timescales), 5 (when appeals can't be heard	Changed ACAS Code
1 April 2011		Policy re-write: emphasis on the informal stage of the process and less dependence on formal investigations. Appeal stage updated.	

1. INTRODUCTION

- 1.1 This Grievance Procedure aims to establish a means of dealing with the grievances of employees as quickly and as fairly as possible and in such a way as to promote the best possible relations between management and employees.
- 1.2 This Procedure applies to all employees except:
- Those who work in schools, for whom there are separate arrangements;
 - Those who are in their probationary period;
 - Casual workers; and
 - Agency workers.
- 1.3 It is expected that there will be attempts for all grievances to be addressed informally as the issues arise and that managers and employees will work together to resolve the issues.
- 1.4 Employees who have an individual grievance directly relating to their employment (e.g. working conditions, working relationships with management or colleagues) may use the employee's grievance procedure.

Please note that the issues below are best dealt with under specific policies and procedures (given in brackets) and should be used wherever possible. They include:

- * Collective disputes ([disputes procedure](#))
- * Grievance about a councillor (contact the monitoring officer)
- * Organisational change ([managing change policy](#))
- * Pay and grading (job evaluation or [pay policy](#))
- * Pension (pension disputes procedure)
- * Sickness absence ([managing attendance policy and procedure](#))
- * Whistle-blowing ([whistle-blowing policy and procedure](#))
- * Work life balance ([work life balance policy](#))

- 1.5 The City Council will strive to prevent an employee from being victimised as a result of the grievance or any subsequent investigation/management action. However, if the grievance is without justification an investigation panel may conclude it is frivolous, vexatious or malicious and this it could lead to disciplinary action against them.
- 1.6 This Procedure complies with ACAS guidance to provide a framework by which grievances can be considered and resolved in a fair and equitable manner.

2. Timescale

- 2.1 An employee should raise their grievance as soon as possible and no later than three months after the event or events that occurred unless in the following exceptional circumstances:

* the employee can show in a harassment or discrimination grievance that the events were directly related to the current incident that has led to the grievance.

* the employee was unable to raise the grievance until s/he had returned to work after sick leave or maternity leave.

- 2.2 This procedure does not apply to ex-employees. If a grievance is received from an ex-employee, the council will assess how best to respond on a case-by-case basis. Managers must seek advice from their HR Shared Transactional Services.
- 2.3 Grievances should be dealt with promptly and effectively with the purpose of the issue being resolved as soon as possible. Where there are delays it is the responsibility of the manager to keep all parties informed of the revised timescales.

3. Stage 1: Informal Resolution

- 3.1 Where an employee has a grievance s/he should raise it informally with their manager. If the grievance relates to their manager then the grievance should be referred to the manager's manager.
- 3.2 The employee can raise their concern either verbally or in writing with the relevant manager. Alternatively they may raise it via a third party such as their trade union representative or an HR Adviser (through contacting HR Shared Transactional Services) or an Equalities Officer or a representative from one of the self-organised groups, who can assist in resolving the grievance.
- 3.3 The manager will seek to resolve the grievance after consideration of the issues involved. Information on possible strategies are outlined in the associated guidance document ([insert as a link](#)).
- 3.4 The manager will confirm in writing to the employee how the grievance will be resolved.
- 3.5 Only in exceptional circumstances and after seeking advice from HR STS will the informal stage be omitted. All parties should co-operate in trying to resolve the matter informally.

4. Stage 2: Formal Grievance with remedy

- 4.1 Where a grievance has not been resolved informally the employee can request that it is considered under Stage 2 though submitting the [Employee Grievance Form](#) (to HR Shared Transactional Services). The form should clearly state the grievance and remedy along with any supporting documentation. A grievance will only be considered if it is submitted on an employee grievance form with a remedy.
- 4.2 The person dealing with the grievance will invite the employee to a meeting to listen to the grievance and consider how to deal with it. They will take account of what has been done so far to resolve the issue.

4.3 Management should take any appropriate action to resolve the grievance, and in many instances will be able to make an immediate decision on the grievance. In some situations, it may be necessary for the manager to take additional action, for example:

- (a) Speak to the subject (perpetrator) of the grievance and/or other parties involved on the employee's behalf.
- (b) Decide (with the employee's agreement) that both sides should meet further to discuss the issue.
- (c) Call in a third person (for example an HR Adviser or a mediator) to help resolve the problem. Before this starts a commitment to participate in mediation will be required from everyone involved, otherwise it will not work. If mediation does not resolve the grievance, the grievance procedure will resume finding an alternative resolution.
- (d) Consider specific facts in relation to the grievance, or if necessary and advise that a formal investigation will be required.

Investigations

Investigations will only be commissioned in exceptional circumstances. Where an investigation is required the manager will arrange for it to take place in accordance with the [Code of Practice for the Conduct of Investigations](#) and confirm this in writing to the employee and it should commence within 10 days once a panel has been appointed. Investigations should be dealt with promptly. It is the responsibility of the commissioning manager to ensure relevant parties are informed of progress.

4.4 Once the manager has considered the grievance and taken the appropriate action, they will reach a decision and will meet with the employee to inform them of the outcome. The manager will also confirm the outcome in writing, setting out:

- a) Whether the grievance has been upheld, either fully or in part
- b) What action they have decided to take to resolve the grievance
- c) The appeal rights under this procedure, if the remedy has not been met in full. If the remedy has been met in full, there is no right of appeal.

5. Stage 3: Appeal

5.1 Where an employee wishes to appeal against the manager's decision they must do so in writing, setting out the grounds of the appeal, within five working days of written notification of the decision.

5.2 The appeal will be heard by a Joint Appeals Panel. This joint appeals process is in keeping with the principle that this policy is devised and implemented on a partnership basis between the Council and the recognised trade unions.

5.3 The Joint Appeals Panel will be chaired by an independent Service Director (or their

nominated representative) and will include a Strategic HR Adviser and a trade union representative who had had no previous involvement in the case. Where appropriate (e.g. for a grievance involving discrimination) a Legal Adviser will attend to provide guidance.

Grievances of officers of director level and above (member appointments) will be considered by an Employee Appeals Committee. The Employee Appeals Committee will be supported by a Strategic HR Adviser and where appropriate (e.g. a grievance involving discrimination) a Legal Adviser.

Witnesses will only attend to give their evidence unless agreed by all parties. If the parties cannot reach agreement, witnesses will leave after giving their evidence.

5.4 The purpose of the appeal will be to:

- a) Review the reasonableness of the original decision and, if necessary, determine an alternative outcome (if the original decision is unreasonable and/or if it would resolve the grievance)
- b) Consider whether the procedure has been followed correctly, and that the “remedies” set out in the grievance have been properly considered.

5.5 Outcomes available to the Panel are:

- To uphold the appeal in full and propose an appropriate way forward;
- To uphold the appeal in part and propose an appropriate way forward;
- To reject the appeal and propose an appropriate way forward, if necessary.

5.6 The Panel has the option of reaching either a unanimous or majority decision.

5.7 The decision and the reasons for coming to the conclusion will be confirmed in writing to the employee and as appropriate to any other parties named in the grievance.

6. Counter Claims

Where an employee submits a grievance in response to formal management action taken against them, this “counter claim” must be considered. The alleged perpetrator of the problem may also lodge a counter claim against the employee. The manager must notify both parties that a counter claim has been received, and will consider the following options: -

- Consider the counter claim simultaneously with the formal action already being taken or
- Defer consideration of the counter claim pending concluding

consideration of the original grievance

Managers are advised to seek HR advice before deciding which course of action should be taken. Where a manager is implicated in the counter claim, it may be appropriate to nominate a different manager to consider the complaint. (Note: a counter claim does not mean that the formal action will be set aside or discontinued).

7. Collective / Joint Grievance

Occasionally a group of employees may lodge a 'collective' or 'joint' grievance, where the complaint lodged and the remedy sought are the same throughout the workgroup(s). In this event, the manager may decide to consider the grievance under the Council's [Disputes Procedure](#) rather than the grievance procedure.

Appendix 1 - Bristol City Council Grievance Form

You can get advice/guidance about completing this form from your trade union or HR adviser. When it is completed, send it to HR Shared Transactional Services.

Your name	
Job title	
Department	
Section	
Work telephone number	

Grievance.

Please give a full description of your grievance. Use this form to help a shared understanding of your grievance and what is needed to put things right.

Informal Action

Please explain what actions you have taken to resolve your grievance informally.

Remedy

Please state what you think needs to happen to resolve your grievance. You may wish to take advice from your trade union representative or HR Adviser on what might be an appropriate remedy. Remember, once the grievance is dealt with, the outcome will be at the discretion of the manager or the appeal panel and it may not reflect the remedy you have proposed.

Declaration

I confirm that the details above are true and that I have read and understood the Employee Grievance Procedure. I also understand that a copy of this form will usually be given to the people I name in it.

Signature

Date

Grievance and Disciplinary appeal benchmarking - November 2010

'CUBA'	Appeals against dismissal	Grievance appeals
BANES	Member appeals panel supported by Legal & Head of HR	Panel: more senior manager, senior mgr from another area & HR
South Glos	Employee Appeals panel (members)	Employee Appeals panel (members)
North Somerset	Employment Committee Appeals panel	Employment Committee Appeals panel

CORE CITIES		
Birmingham	Personnel Appeals Committee	Personnel Appeals Committee
Bradford	Member appeals panel	Member appeals panel
Leeds	Personnel Panel	Personnel Panel
Manchester	Member Appeals panel	Chief Officer of complainant's department
Newcastle	Disciplinary Appeal Committee	Corporate Disputes Panel
Nottingham	Members panel	Members panel
Sheffield	Appeals & Collective Disputes panel (members)	Appeals & Collective Disputes panel (members)

South West Workforce Partnership		
Avon Fire & Rescue Service	Combined Fire Authority panel	Combined Fire Authority panel
Avon & Wilts Mental Health Partnership	Director of HR	Trust Board sub committee
Bristol PCT	Trust Board	Director + another senior mgr + HR

Other employers		
Tower Hamlets	Members appeal panel	Corporate Director

South West Councils		
Unitary 1	Members appeal panel	Corporate Director
Unitary 2	Statutory Appeals Board (members)	Statutory Appeals Board (members)
Unitary 3	2 Chief Officers & HR Adviser	Independent Chief Officer & HR Adviser
Unitary 4	New policy under consultation. Appeal to be heard by Head of Service or Director.	New policy under consultation. Appeal to be heard by Head of Service or Director.
Unitary 5	Member appeals panel	Officer panel
Unitary 6	New Appeals policy being introduced. Appeals to be heard by independent senior manager.	New Appeals policy being introduced. Appeals to be heard by independent senior manager.
Unitary 7	Member appeals panel	Officer panel
County 1	Officer panel	Officer panel

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Guidance for Managers re the Grievance Procedure Frequently Asked Questions

THE GRIEVANCE PROCEDURE

What are my responsibilities as a manager under the Grievance Procedure?

You are responsible for dealing promptly with all grievances that are raised with you by following the stages in the Grievance Procedure. You should treat a grievance as a priority. Grievances can be stressful for all parties and you can minimize this by dealing with it effectively.

As a manager you should also be aware of the potential issues that could lead to grievances within your team and you should deal with these at the earliest opportunity. Many potential grievances can be resolved through effective communication between employees and their managers.

One of my employees has come to me with a grievance. Where can I get advice/guidance about the procedure?

You can access a copy of the [Grievance Procedure](#) on the HR Self-Service Section of the Knowledge Base on the Source. You can also seek advice from Human Resources in Shared Transactional Services. You will be allocated an HR Adviser who will guide you through the process and provide support at each stage. This will include discussing the next steps, helping you access standard letters, advising on agendas and where appropriate can attend meetings.

When can an employee use the Grievance Procedure?

All existing City Council employee's, including centrally employed teachers can use this procedure. However this is with the exception of those employed in locally managed schools as they have their own procedure. This procedure should also not be used by agency staff or casual staff or staff on probation (if in doubt seek advice from STS HR). Grievances can cover a whole range of issues e.g. working conditions, working relationships with managers or colleagues.

Some issues however, are best dealt with under separate policies and procedures that deal specifically with the matter concerned e.g. an issue with sickness absence should be addressed under the Managing Attendance Procedure. Advice can be sought from HR Shared Transactional Services.

The grievance is about an event that took place a year ago. Do I still need to address it?

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An employee should raise their grievance as soon as possible and within 3 months of the event(s) occurring, unless in the following exceptional circumstances:

- They can show in an harassment or discrimination grievance that the events were directly related to the current incident that has led to the grievance or complaint;
- They were unable to raise their grievance until they had returned to work after sick leave or maternity/paternity leave.

The grievance is from an employee who has now left. Do I still need to address it?

If you have received a grievance from an ex-employee you should contact HR Shared Transactional Services. Assessments are made on a case-by-case basis regarding how best to respond.

What if the complaint is deemed to be frivolous, vexatious or malicious?

The use of the Procedure for a reason other than a genuine concern about wrong actions/behaviour in the workplace, e.g. to upset someone, or to cause disruption in the workplace, may be dealt with under the [disciplinary policy and procedure](#).

Is it appropriate for the employee to continue working with the person they have complained about?

You should consider the views of the employee and the person they have the grievance with and possibly other members of your team. You should take advice on possible ways forward from HR Shared Transactional Services and the relevant senior manager.

What if an employee raises an issue with me that I feel is serious e.g. harassment but they don't want me to address it?

You should consider the matter and take appropriate advice from HR Shared Transactional Services. Remember there are circumstances where you have a duty of care towards the employee under legislation. Where you do decide that you need to address the issue you should meet with the employee and make them aware of how you are intending to address the issue.

TIMESCALES

How long should it take for a grievance to be resolved?

You should deal with any grievance sensitively, reasonably and as quickly as possible.

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Where there are delays e.g. where the grievance is complex and/or a formal investigation is commissioned, you should keep all parties informed.

DEALING WITH A GRIEVANCE**i) STAGE 1 – INFORMAL RESOLUTION****Why should I try and resolve the matter informally?**

Occasional tensions, disagreements and incompatibility are not unusual in teams and between colleagues, particularly in a work environment where there are pressures and issues to manage. The outcome can be positive where the issues are addressed quickly and effectively, preventing any escalation.

It is important to focus on resolving issues at the informal stage as it is the most effective way of resolving the grievance in terms of the impact on the relationships, time and cost. Early resolution is key and can prevent all parties becoming entrenched, which will ultimately make the matter more difficult to resolve.

You should:

- Be proactive and address issues before they become a problem.
- Focus on resolving the issue rather than seeking which individuals are to blame.
- Explore a range of options to support a positive outcome.

You should not

- Ignore the issue and hope that it will go away.
- Pass on the problem unnecessarily.

How do I try and resolve the grievance informally?

An employee, in all but exceptional circumstances, is expected to discuss their grievance informally prior to making it formal. This normally would be with you as their manager or if their issue is with you it should be raised with that your manager.

The employee can raise their concern with you either verbally or in writing. Alternatively it may be raised via a third party such as the employee's trade union representative or an HR Adviser (through contacting HR Shared Transactional Services) or an Equalities Officer or from a representative from one of the self-organised groups and they can assist in resolving the grievance.

You should address the issue promptly and consider ways in which the matter (s) can be resolved. This may involve meeting with each party separately or a meeting of all the parties to discuss the issues. Informal resolutions may include, for example any of the following and you can seek advice from HR Shared Transactional Services or an Equalities Officer as appropriate:

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- Clarification of a misunderstanding.
- Exchange and acceptance of differing perspectives/feelings.
- Agreement to disagree.
- Agreement to provide feedback to someone on his or her behaviour.
- Acceptance of an explanation or apology.
- Agreement to implement a development plan or action plan.
- Agreement to modify a practice or behaviour.
- Arranging some training for an individual or team.
- Informal mediation.

You should always clarify if there are any equalities issues involved in the grievance – these may not be obvious to you and the employee may have underlying concerns.

Once you have decided how the grievance will be addressed you should confirm the outcome in writing to the employee so they are clear of the action that you will be taking.

When should I tell an employee that I have received a grievance about them?

It would be advisable to discuss your approach with your allocated HT Adviser due to the varied nature and issues involved in grievances. If the grievance moves to Stage 2 a copy of the Grievance Form will usually be given to anyone that is named in it. However, you have the discretion to edit the grievance where it is necessary to protect the confidentiality of a third party, such as a child or vulnerable adult.

ii) STAGE 2 – A FORMAL GRIEVANCE WITH REMEDY

The grievance hasn't been resolved informally – what happens now?

Where an employee feels that their grievance hasn't been resolved to their satisfaction through the informal stage then they should complete the [Employee Grievance Form](#) and send it to HR Shared Transactional Services. The form should confirm the remedy that the employee is seeking.

I have received an Employee Grievance Form what do I do?

The employee should forward the Grievance Form to HR Shared Transactional Services so you should contact and HR Adviser to discuss the case.

If the employee has submitted the Form without making attempts for the issues to be resolve informally then you should advise them that Stage 1 of the Grievance Procedure would apply.

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Where the employee has already been through Stage 1 then you should advise them that the matter will be addressed under Stage 2 – A Formal Grievance with Remedy.

As the manager dealing with the grievance you should invite the employee to a meeting to listen to their grievance and to consider how to deal with it. You should consider what action you think will resolve the matter. You may be able to make an immediate decision but may want to take additional action, for example:

- Speak to the person who is upsetting the employee and/or any other parties involved on your behalf.
- Decide (with the employee's agreement) that both sides should meet to discuss the issue.
- Call in a third person, for example an HR Adviser or mediator, to help resolve the problem (see the section on mediation).
- Consider specific facts in relation to the grievance, or if necessary advise that a formal investigation is required.

What does a formal investigation involve?

Investigations will only be commissioned in exceptional circumstances. Advice can be sought from HR Shared Transactional Services.

Where it is decided that a formal investigation is necessary then it will be carried out in accordance with the [Code of Practice on the Conduct of Investigations](#).

How do I inform the employee of the outcome of their grievance?

Once you have considered the grievance and taken the appropriate action, you should reach a decision on the grievance and should arrange to meet with the employee to tell them the outcome. They may be accompanied by their trade union representative at this meeting.

You should also confirm the outcome in writing to the employee, setting out:

- Whether the grievance has been upheld, either fully or in part.
- What action you have decided to take to resolve the grievance.
- The employee's appeal rights, if the remedy has not been met in full. If the remedy had been met in full then there is no right of appeal.

What happens if I decide that the grievance is upheld?

If the grievance is upheld you will be responsible for taking any appropriate action. This may be a disciplinary hearing or some other action to resolve the outstanding concerns, for example extra training, re-clarification of accepted standards of work, reallocation of tasks etc.

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iii) STAGE 3 - APPEAL**What if the employee is unhappy with my response to their grievance?**

The employee does have the right of appeal on certain grounds. They cannot appeal if their remedy has been met in full.

Who hears the appeal?

The appeal will be heard by a Joint Appeals Panel. It will be chaired by an independent Service Director (or their nominated representative) and will include a Strategic HR Adviser and a trade union representative who had had no previous involvement in the case. Where appropriate (e.g. for a grievance involving discrimination) a Legal Adviser will attend to provide guidance.

Grievances of officers of director level and above (member appointments) will be considered by an Employee Appeals Committee. The Employee Appeals Committee will be supported by and Strategic HR Adviser and where appropriate (e.g. a grievance involving discrimination) a Legal Adviser.

What will happen at the appeal?

The purpose of the appeal will be for the Panel to:

- Review the reasonableness of the original decision and, if necessary, determine an alternative outcome (if the original decision is unreasonable and/or it would resolve the grievance).
- Consider whether the procedure has been followed correctly.

What are the attendance arrangements for witnesses?

Witnesses will only attend to give their evidence unless agreed by all parties. If the parties cannot reach agreement, witnesses will leave after giving their evidence.

What are the possible outcomes of the appeal?

The possible outcomes that are available to the Panel to make are:

- To uphold the appeal in full and propose an appropriate way forward
- To uphold the appeal in part and propose an appropriate way forward.
- To reject the appeal and propose an appropriate way forward, if necessary.

The Panel has the option of reaching either a unanimous or majority decision.

How do I prepare for the appeal?

You will need to prepare the management case for submission at the appeal. This includes the preparation of the paperwork that you will refer to in the

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hearing, copies of which should be supplied to the appellant in advance of the hearing.

Is there any further right of appeal?

If the employee is not satisfied with the outcome of the appeal they have a statutory right to take certain grievances (for example those related to unlawful discriminatory practices or breach of contract) to an Employment Tribunal.

Information on Employment Tribunals can be found on www.employmenttribunals.gov.uk

TRADE UNIONS

Will the trade unions become involved?

The employee with the grievance has the right to be supported by their trade union representative at formal meetings. Further, where the issue concerns another employee(s) they also have the same right. All employees should be encouraged to seek support from their trade union.

It is also often helpful to have a trade union representative at informal meetings and where an employee wishes to bring a representative it is advisable that this is agreed to.

The relationship between you as the manager and the trade union representative is also very important and you should seek to ensure that any interaction is focused and with the aim of resolving the issue positively.

I keep trying to arrange to meet with the employee but their trade union representative is unavailable?

It is in nobody's interest to delay trying to resolve the grievance and meetings should not be unreasonably postponed. Wherever possible try and arrange the meeting taking account of the availability of the trade union representative. You should seek to arrange a date, time and locations with all parties prior to confirming the meeting in writing.

Where the trade union representative is not available, set an alternative date. This should normally be within five days of the original meeting. If, at this re-arranged meeting, the trade union representative becomes unavailable then the employee is expected to arrange with their trade union to bring another representative.

HOLDING A GRIEVANCE MEETING

How should I prepare for a grievance meeting?

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Meetings that will need to occur as part of the process may be uncomfortable and unpredictable but how you prepare to manage the meetings will increase the chances of the situation been handled successfully. *You may also want to discuss with your HR Adviser if it is appropriate that they also attend.*

Practicalities

- Choose an appropriate time and place. Think about when and where to have the meeting. It should be conducted in private, where there will be no interruptions. Make sure that you have set aside sufficient time.
- Consider arranging for a note-taker – this should be someone who is not involved in the issue.
- Consider whether any reasonable adjustments are necessary.

Structure

- Plan the structure of the meeting.
- Make introductions as necessary.
- Listen to the employee(s) and clarify understanding.
- Focus on behaviours rather than opinions.
- Avoid making assumptions and appearing judgemental.
- Consider adjournments.
- Sum up the main points.
- Focus on resolving the issue(s).
- Confirm with the employee(s) what happens next.

Communication

Verbal:

- Using neutral language.
- Use appropriate questioning techniques – open questions first and then probing and reflective questions.
- Do not rush to fill a silence.
- Acknowledge emotions.

Non-Verbal:

- Ensure that your body language, facial expression, tone and volume of voice remain calm.
- Maintain natural eye contact.

Training on such manager skills is available from (TBC)

What records of the meeting should I take/keep?

You should keep notes at all stages of the procedure so that you can clearly show:

- The nature of the grievance raised
- A copy of any written grievance / the Grievance Form
- Notes of any meetings*
- Your written response to the grievance.

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- Any action taken, the reasons for choosing that course of action and whether it was successful.
- Any options that were considered but were not actually put into action and why those options were not tried.
- Whether the employee has indicated that the matter is resolved.
- If the employee decides to withdraw their grievance.
- Any subsequent developments.
- *Grievance Log.*

*Notes should be taken at meetings and a copy provided to the employee.

Where the matter is resolved informally you should keep a record on the complaints file of the outcomes.

It is important that you document the process thoroughly so you can demonstrate that you have followed the procedure appropriately.

MEDIATION

What is mediation?

Mediation is a method of helping people resolve disputes and find ways of working together more effectively, and can be beneficial at either the preliminary or the formal stage. Everyone who is involved in conflict, either directly or indirectly, is affected and for some people this might be in the form of feeling stressed or emotionally distressed, performance at work suffering, poor morale amongst teams, loss of enjoyment of work, or sickness absence. A mediator will use specific skills, which are impartial, and they will facilitate a process that aims for a workable agreement between the parties. Other benefits of mediation are:

- It helps people learn or improve their skills for interacting with others in a positive way.
- It improves relationships and encourages co-operation between colleagues and managers.
- It can reduce and change a culture of blame, harassment and bullying.

Mediation is most effective before people begin to feel extremely angry or distressed because of the conflict, and before tension, low morale, poor job performance and disillusionment permeate the team.

What will be the outcome of mediation?

The mediator will write a report for the commissioning manager, which will advise either:

(1) Mediation has been successful insofar as the grievance has been resolved or withdrawn on the basis that the parties have agreed a way forward or

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(2) Mediation has not been successful in resolving the grievance and the reasons why are set out in the recorded views of the parties concerned. The manager will then need to decide how to proceed.

UNDERSTANDING EQUALITIES ISSUES AND GRIEVANCES

NB Please also refer to the [Equalities Policy \(Integrated\)](#) and [The Equality Act 2010](#) (ACAS guidance).

Can an employee use the Grievance Procedure when they have equality work related issues?

Yes, the Grievance Procedure can be used to deal with equality and diversity work related issues. It should also be used when employees feel they are being harassed or bullied.

You should ensure that all employees have full access to the procedure and consider any equalities issues as you manage its application.

What do you mean by discrimination, harassment, victimisation and bullying?

They are actions or attention from a person or group of people, which may be open, implied or suggestive. If these actions or attentions are unwanted, unwelcome and not returned by the person receiving them, they may amount to some form of discrimination, harassment, victimisation or bullying.

Discrimination

Discrimination happens when a person is treated less favourably than others are or would be treated in the same or similar circumstances. This may be as a result of their age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage, civil partnership, pregnancy or maternity (under the Equality Act 2010 these are known as protected characteristics).

People may have a number of prejudices which become discrimination when they act on their prejudices. It can be an individual act or 'institutionalised' where a government or organisation has discriminatory policies or practices.

Direct discrimination – Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Indirect discrimination – Indirect discrimination can occur when a condition, rule, policy or a practice that applies to everyone particularly disadvantages people who share a protected characteristic. It can be justified if it is a proportionate means of achieving a legitimate aim e.g. alternative less discriminatory options were considered.

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Harassment

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is often subtle and long term, and can include (but is not limited to) the following behaviours:

- Unwelcome comments and gestures.
- Offensive materials (such as sexual posters).
- Verbal insults.
- Threatening or obscene behaviour.
- Malicious complaints.
- Offensive graffiti.
- Being ignored.
- Overlooking (shunning) particular employees.
- Unwanted physical contact.
- Offensive jokes.
- Bullying.
- Unjustified or unconstructive criticism.
- Offensive language.
- Offensive written communication (such as e-mails).
- Violence.
- Exclusion.
- Being treated differently.

It does not apply to pregnancy and maternity and marriage and civil partnership.

Victimisation

Victimisation is treating a person less favourably than others in the same circumstances because the person has:

- Made a grievance or allegations of discrimination, harassment and victimisation or bullying.
- Acted as a witness in any proceedings.
- Been involved in the matter in any other way.

Victimisation may also occur as a result of a person's participation in trade union activities or membership.

Bullying

A single incident, or a series of incidents can amount to bullying. It may include:

- Persistent criticism.
- Personal abuse and/or ridicule.
- Ignoring someone.
- Excluding someone.

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- Other behaviour, either in public or private, that humiliates and demeans the person involved, and which has the effect of eroding their confidence and performance.

Bullying may involve:

- The abuse of authority.
- The exercise of unfair disciplinary measures.
- Unreasonable changes in an employee's responsibilities.
- The exclusion of an employee from normal social, consultative and decision-making processes.

Can you give some examples of inappropriate and unacceptable behaviour?

Inappropriate physical conduct ranges from touching another employee to serious assault, including the threat of such actions.

Inappropriate verbal conduct includes:

- Sarcastic comments.
- Unwelcome advances, propositions and jokes.
- Lewd comments or abusive language.
- Innuendoes and jokes that are of an offensive nature.

Inappropriate non-verbal conduct includes:

- Threatening or intimidating behaviour (including aggressive body language).
- The display or circulation of offensive or suggestive pictures, objects or written material.
- Graffiti.
- Any conduct which degrades someone else.

Other unacceptable conduct includes:

- Isolation or non-cooperation at work.
- Exclusion from group social activities.
- Coercion.
- Intrusion by pestering, spying.
- Abuse of power.

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Guidance for Employees re the Grievance Procedure Frequently Asked Questions

WHEN TO USE THE GRIEVANCE PROCEDURE

Where can I get advice/guidance about the procedure?

You can access a copy of the [Grievance Procedure](#) from the HR Self Service, Knowledge Base on The Source. You can also get advice and support regarding the Procedure from your manager, HR Shared Transactional Services, Equalities Officer and/or your trade union representative.

Can I use the procedure?

Yes, if you are an existing city council employee, including those who are centrally employed teachers. However this is with the exception of those employed at locally managed schools. If you work at a locally managed school you should ask your manager about the school's procedure. Also, this procedure does not apply to casual staff, agency staff, staff on probation and ex-employees.

When can't I use the procedure?

You can't use this procedure to raise grievances regarding a matter that has already been dealt with under the grievance procedure/disputes procedure or a matter/event or matters/events. You should raise your grievance as soon as possible and within three months of the event(s) occurring unless in the following exceptional circumstances:

- You can show in an harassment or discrimination grievance that the events were directly related to the current incident that has led to the grievance or complaint;
- You were unable to raise your grievance until you had returned to work after sick leave or maternity/paternity leave.

You should consider that some issues are best dealt with under separate policies and procedures that deal specifically with the matter concerned (link to appropriate part of procedure).

Can I use this procedure to make a grievance about a person in another department?

Yes. If you are unsure of how to approach doing so you should speak with your manager, HR Shared Transactional Services and/or your trade union representative.

Can I use this procedure if as a manager I am being bullied or victimised by my team?

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You should seek advice from your line manager, from HR Shared Transactional Services and/or your trade union representative.

Can I use this procedure when formal management action is being taken against me?

Yes. You should refer to the [counter claims part of the procedure](#), but you should also bear in mind that some issues are best dealt with under separate policies.

Can I use this procedure if I perceive there to be organisational institutionalised bullying?

No, you should use the [Whistle blowing policy and procedure](#).

What if my complaint is deemed to be frivolous, vexatious or malicious?

You should only use the procedure if you have a genuine grievance. The use of the procedure for a reason other than a genuine concern about wrong actions/behaviour in the workplace, e.g. to upset someone, or to cause disruption in the workplace, may be dealt with under the [disciplinary policy and procedure](#).

Is it appropriate for me to continue working with the person I have complained about?

Your manager will take into account your views, those of the person you have complained about and possibly other members of your team. Your manager may take advice on possible ways forward from HR Shared Transactional Service and their managers. If the person you have complained about is your manager, then their manager will take into account your views.

TIMESCALES

How long should it take for my grievance to be resolved?

Your grievance will be dealt with as quickly as possible. Your manager will keep you informed of any delays that may occur, for example where your grievance is complex and/or a formal investigation is commissioned.

What happens if my manager does not deal with my grievance as soon as possible?

Your manager should deal with your grievance as a matter of priority. If you feel that your concern(s) isn't being addressed then you should discuss the matter with your trade union representative and/or contact HR Shared Transactional Services.

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DEALING WITH YOUR GRIEVANCE**i) STAGE 1 – INFORMAL RESOLUTION****What should I do if I have a grievance?**

You should raise the matter informally. This would normally be with your manager, however if your issue is with them then you should approach their manager.

You can raise your concern either verbally or in writing. Alternatively you may raise it via a third party such a trade union representative or an HR Adviser (through contacting HR Shared Transactional Services) or an Equalities Officer or a representative from one of the self organised groups and they can assist you in resolving the grievance.

You may find approaching the issue difficult and it may help you to make notes of your concerns, the actions you have taken to try and address them and the outcomes. You may also want to think about how you feel your issue(s) can be resolved positively. You may also want to consider seeking support from the Council's [Self organised groups](#).

Why do I have to go through the informal stage?

Occasional tensions, disagreements and incompatibility are not unusual in teams and between colleagues, particularly in a working environment where there are pressures and issues to manage. Where issues can be addressed quickly and effectively the outcomes are more positive.

It is expected that you will seek to resolve your grievance informally. Where you submit a Grievance Form without having done this you will be advised that unless there are exceptional circumstances that Stage 1 – Informal Resolution will apply.

How will my manager try and resolve my grievance informally?

Your manager will seek to address your issue promptly and consider ways in which it the matter(s) can be resolved. They will need to meet with you and anyone named in your grievance as necessary. You may wish to be supported by your trade union representative or fellow worker at any meeting.

Informal resolutions may include for example:

- Clarification of a misunderstanding.
- Exchange and acceptance of differing perspectives/feelings.
- Agreement to disagree..
- Agreement to provide feedback to someone on his or her behaviour.
- Acceptance of an explanation or apology.
- Agreement to implement a development plan or action plan.

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- Agreement to modify a practice or behaviour.
- Arranging some training for an individual or team.
- Informal mediation.

Once your manager has decided how your grievance will be addressed they will confirm it in writing to you so you are clear on the action that they will take.

What support can I have at a meeting?

You can be accompanied by a fellow worker or trade union representative at the meeting. If you wish to be supported by someone else then you should discuss this with your manager.

Does anyone need to be told about my grievance?

If someone needs to know (for example – the grievance involves them), your manager will tell him or her and advise him or her of the nature of your grievance. If the grievance moves to Stage 2 a copy of your Grievance Form will usually be given to anyone that you name in it. However, you should be aware that your manager has the discretion to edit your grievance where it is necessary to protect the confidentiality of a third party, such as a child or vulnerable adult.

ii) STAGE 2 – SUBMISSION OF A FORMAL GRIEVANCE WITH REMEDY

My grievance hasn't been resolved informally – what should I do now?

You should complete the [Grievance Form](#) and send it to HR Shared Transactional Services.

How do I complete the formal grievance form?

If you need any help completing the form then your trade union representative can provide you with support.

It is important that you state the remedy that you are seeking if your grievance is upheld, without this the grievance cannot be progressed. You need to be clear on what you feel would resolve your grievance as some remedies may not achieve a resolution for you. Examples of these are:

“I want a thorough independent investigation of this matter”

Formal grievances are always considered and formally investigated where it is considered appropriate. They are undertaken in accordance with the Code of Practice on the Conduct of Investigations and have to be objective. Also, you need to be aware that a thorough independent investigation may not find in your favour or produce a result you find satisfactory.

“I want this person to be disciplined/dismissed”

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It is not for you to make this decision. Issues or complaints must be investigated before a disciplinary hearing is convened, and the investigating panel cannot issue sanctions, but only say if there is a case to be heard. It is the responsibility of the manager who conducts the disciplinary hearing to decide the appropriate sanction.

Your trade union representative or an HR Adviser can advise on identifying a positive remedy that will remove or address the cause of your concern.

What action will be taken on receipt of my grievance form?

The person dealing with your grievance will invite you to a meeting to listen to your grievance and to consider how to deal with it. They will consider what action they think will resolve the matter. They may be able to make an immediate decision but may want to take additional action, for example:

- Speak to the person who is upsetting you and/or any other parties involved on your behalf.
- Decide (with your agreement) that both sides should meet to discuss the issue.
- Call in a third person, for example an HR Adviser or mediator, to help resolve the problem (see the section on mediation below).
- Consider specific facts in relation to your grievance, or if necessary advise you that a formal investigation is required.

What does an investigation involve?

Investigations will only be commissioned in exceptional circumstances.

Where it is decided that a formal investigation is necessary then it will be carried out in accordance with the [Code of Practice on the Conduct of Investigations](#).

The Investigation Panel will invite you to a meeting to ask you questions regarding your grievance so they can get a fuller picture of your concerns and the circumstances. You can be accompanied to the meeting by your trade union representative or a fellow worker.

The Investigation Panel will also meet with other people involved in the grievance and will compile a report to the manager on their findings, conclusions and recommendations.

How am I informed of the outcome of my grievance?

Once your manager has considered your grievance and taken the appropriate action, they will reach a decision on your grievance and will arrange to meet with you to tell you the outcome. You may be accompanied by your trade union representative or a fellow worker at this meeting.

Your manager will then confirm the outcome in writing to you, setting out:

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- Whether your grievance has been upheld, either fully or in part
- What action they have decided to take to resolve your grievance
- Your appeal rights, if your remedy has not been met in full. If your remedy had been met in full then there is no right of appeal.

What happens if my grievance is upheld?

Your manager (or the Commissioning Officer of the investigation) will be responsible for taking any appropriate action:

- i) If a disciplinary hearing is held, you will be called as a witness, but you may not know the outcome of the disciplinary action. Copies of meeting records and/or statements may be used at the hearing.
- ii) The manager may consider taking some other action to resolve any outstanding concerns. This could mean, for example, extra training, re-clarification of accepted standard of work, reallocation of tasks, office relocation.

iii) STAGE 3 - APPEAL

What if I am unhappy with my manager's response to my grievance?

Where the grievance is not resolved to your satisfaction you do have the right of appeal on certain grounds. Please be clear that you cannot appeal if your remedy has been met in full.

Who hears the appeal?

The appeal will be heard by a Joint Appeals Panel. It will be chaired by an independent Service Director (or their nominated representative) and will include a Strategic HR Adviser and a trade union representative who had had no previous involvement in the case. Where appropriate (e.g. for a grievance involving discrimination) a Legal Adviser will attend to provide guidance.

Grievances of officers of director level and above (member appointments) will be considered by an Employee Appeals Committee. The Employee Appeals Committee will be supported by and Strategic HR Adviser and where appropriate (e.g. a grievance involving discrimination) a Legal Adviser.

What will happen at the appeal?

The purpose of the appeal will be for the Panel to:

- Review the reasonableness of the original decision and, if necessary, determine an alternative outcome (if the original decision is unreasonable and/or it would resolve the grievance).
- Consider whether the procedure has been followed correctly.

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What are the attendance arrangements for witnesses?

Witnesses will only attend to give their evidence unless agreed by all parties. If the parties cannot reach agreement, witnesses will leave after giving their evidence.

What are the possible outcomes of the appeal?

The possible outcomes that are available to the Panel to make are:

- To uphold the appeal in full and propose an appropriate way forward.
- to uphold the appeal in part and propose an appropriate way forward.
- to reject the appeal and propose an appropriate way forward, if necessary.

The Panel has the option of reaching either a unanimous or majority decision.

Do I have a further right of appeal?

If you are not satisfied with the outcome of the appeal then you have a statutory right to take certain grievances (for example those related to unlawful discriminatory practices or breach of contract) to an Employment Tribunal.

Information on Employment Tribunals can be found on www.employmenttribunals.gov.uk

MEDIATION

What is mediation?

Mediation is a method of helping people resolve disputes and find ways of working together more effectively, and can be beneficial at either the preliminary or the formal stage. Everyone who is involved in conflict, either directly or indirectly, is affected and for some people this might be in the form of feeling stressed or emotionally distressed, performance at work suffering, poor morale amongst teams, loss of enjoyment of work, or sickness absence. A mediator will use specific skills, which are impartial, and they will facilitate a process that aims for a workable agreement between the parties. Other benefits of mediation are:

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What is meant by discrimination, harassment, victimisation and bullying?

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- Intrusion by pestering, spying.
- Abuse of power.

BRISTOL CITY COUNCIL
Equality Impact Assessment – Part One - Screening

Part one of an EqlA – the screening – should be carried out at the planning and development stage of a policy, project, service, contract or strategy. This form should be used in conjunction with the guidance and as the first part of a full EqlA.

Name of policy, project, service, contract or strategy being assessed	The Grievance Procedure
Directorate and Service	Resources, Strategic HR
Names and roles of officers completing the assessment	Jenny Perry, Adrienne Lintzgy, Jo McDonald
Main contact telephone number	0117 9037822
Date	1/11/10

1. Identify the aims of the policy, project, service, contract or strategy and how it is implemented

	Key Questions	Notes / Answers	Any actions needed? By whom?
1.1	Is this a new policy, project, service, contract or strategy or a review of an existing one?	Review of an existing policy with the addition of new guidance documents - one for managers and one for employees.	
1.2	What is the main purpose of the policy, project, service, contract or strategy?	To provide an effective framework to resolve employee grievances.	
1.3	What are the main activities of the policy, project, service, contract or strategy?	<p>i) To improve working relationships between managers, teams and employees.</p> <p>ii) To comply with employment law, ACAS guidance and good practice.</p>	
1.4	Who are the main beneficiaries? Whose needs is it designed to meet?	BCC managers and staff.	
1.5	Which staff carry out the policy, project, service, contract or strategy?	Managers with HR support.	
1.6	Are there areas of the policy or function that could be governed by an officer's judgement? eg. home visits "where appropriate".	Yes, there will be an element of judgement required by the manager but the focus of the procedure is on establishing facts. To minimise bias managers are encouraged to seek advice/ the involvement of HR	

	If so, is there guidance on how to exercise this to prevent any possible bias/prejudice creeping in?	<p>and Equalities Officers. The manager guidance has also been introduced to aid consistency.</p> <p>There is also scope for the decision to be re-assessed through the appeal process involving a Joint Appeals Panel comprising of the employee's Service Director (or a manager nominated by the Service Director) a trade union representative and an HR Adviser, both who have had no prior involvement in the grievance and where appropriate a Legal Adviser will provide support.</p>	
1.7	Is the Council working in Partnership with other organisations to implement this policy or function? Should this be taken into consideration? eg. Agree equalities monitoring categories Should the partnership arrangements have an EqIA?	No	
1.8	Taking the six strands of equalities, do you have any initial thoughts that any of the six equalities	<p><u>30 October 2010 Data</u></p> <p><u>Grievance Statistics (with Overall Workforce Statistics)</u></p> <p>Age data:</p>	<p>i)The changes to the Policy (e.g. focus on informal resolution) need to be reinforced to managers on</p>

	<p>strands have particular needs relevant to the policy or function?</p> <p>Or is there anything in the policy, project, service, contract or strategy that you can think of at this stage that could discriminate or disadvantage any groups of people? ie.</p> <p>Age Disability Race Gender Religion/Belief Transgender Sexual Orientation</p> <p>Do any other specific groups have particular needs relevant to the policy, project, service, contract or strategy?</p>	<p>16-24 yrs 0% (4.58%) 25-49 yrs 66.67% (61.54%) 50-64 yrs 33.33% (31.74%) 65+ 0% (2.14%)</p> <p>Disabled data Not Disabled 75% (95.51%) Disabled 25% (4.49%)</p> <p>Race TW 81.82% (92.49%) TM 0% (1.18%) TA1 0% (1.58%) TA2 18.18% (4.28%) TA3 0% (0.47%) BME 16.67% * (7.51%)</p> <p>Gender Female 75% (72.95%) Male 25% (27.05%)</p> <p>Religion/Belief None stated 25% (34.15%) Any Religion/Belief 75% (65.85%**)</p> <p>Transgender No data. Data to be collected in future.</p> <p>Sexual Orientation</p>	<p>its introduction through;</p> <ul style="list-style-type: none"> - appropriate training on the Policy; - managers use of the new Guidance for Managers document; - appropriate management training, particularly equality and diversity training, people management skills & greater focus on resolution. <p>1st, 2nd & 3rd tier training in managing diversity already underway.</p> <p>(HR & OD). (This is to address the disproportionate representation of equalities groups in grievances.)</p> <p>ii) Ensure appropriate statistics are produced, monitored and analysed with identified trends and</p>
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		<p>Heterosexual 100% (96.70%) LGB 0% (3.30% **)</p> <p>From the above statistics it can be identified that of the workforce:</p> <ul style="list-style-type: none"> i) a higher proportion of disabled staff put in a grievance than non-disabled staff ii) a higher proportion of black/black british and BME staff put in a grievance than white staff iii) a higher proportion of staff stating their religion/religious belief put in a grievance than staff not stating their religion iv) a lower proportion of LGB staff put in a grievance than heterosexual staff. <p><u>2007 Employee Survey</u></p> <p>11% of the workforce reported bullying/harassment at work and of those who reported it only 31% were satisfied with the way it was dealt with.</p> <p>Employees may have difficulties in the workplace due to a protected characteristic which indirectly leads to them putting in a grievance or being the</p>	<p>concerns being addressed for all equalities stands (HR STS and Strategic HR).</p> <p>iii) Ensure employees understand the changes to the Policy through:</p> <ul style="list-style-type: none"> - publication of changes on the Source / appropriate media - encourage use of the new Employee Guidance - links with the trade unions - support from HR Advisers - advice from directorate and corporate equalities officers. <p>(HR STS, Strategic HR and Equalities).</p>
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		<p>subject of a grievance. Although the procedure sets out to deal with grievance issues in a fair and equitable manner, if it is not used at the appropriate stage this could be disadvantageous for the employee. For example, it is important to try to resolve issues effectively at an early stage and informally so that employees can see that the procedure works for them.</p> <p>Both informal and formal consultation was undertaken with the Self Organised Groups with positive feedback being received on the proposed introduction of a defined informal stage of the process.</p>	
1.9	Did you use any data to inform your initial thoughts above? What data do you already have?	<p>HR Management Information Report - 30 September 2010: http://www.bristol.gov.uk/ccm/cms-service/stream/asset/?asset_id=35233119</p>	<p>There are some groups who appear to be disproportionately affected. Additional training for managers will assist in addressing this - both in diversity training and management skills. Also need to ensure that new staff</p>

			<p>know what is expected of them through clear induction.</p> <p>Equalities data will be reviewed on a biannual basis to identify any disproportional impact on equality groups.</p>
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1.10	<p>Are there gaps in the data that require you to do further work? What are these gaps?</p>	<p>Insufficient data:</p> <ul style="list-style-type: none"> i) lack of historical data to observe trends; and ii) insufficient details for a more qualitative analysis e.g. there are currently no statistics by equality strand regarding the nature and outcome of the grievances. 	<p>Review when further data received . Produced every quarter - next data will be available in 3 months time.</p> <p>Revised Policy has been consultation on with self-organised groups and unions.</p> <p>Seek to obtain qualitative data from groups affected by over-representation as to why they perceive this is happening.</p>
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If the result of the screening process is that there is the potential for a significant impact on any equality group or if any equality group has significantly different needs, then a full equality impact assessment must be carried out. If you are unsure please seek advice from a directorate or corporate equalities officer.

Signed
Service Manager
Date

Signed
Directorate Equalities Adviser/Officer or Equalities Contact
Date

* race categories

TW = Total White

TM = Total Mixed

TA1 = Total Asian/Asian British

TA2 = Total Black/Black British

TA3 = Total Chinese/Other

BME = Total Minority Ethnic

** of those who responded to this question

A Summary of the Number and Outcomes of Grievance Member Appeals

Date	Rejected	Upheld	Partly Upheld	Settled	Total
Jan 08 - Dec 08	9	1	0	0	10
Jan 09 - Dec 09	7	2	0	2	11
Jan 10 to date	3	0	1	0	4
Total	19	2	1	2	25