

Grievance Policy and Procedure

Policy Statement

At Lancashire County Council, we strive to create a positive working environment, however we recognise that from time to time issues can occur within the workplace and you may wish to raise a concern or complaint. In these circumstances, we will work with you to address matters swiftly and in the most effective way possible. This is particularly important if you experience or witness any behaviours within the council which may amount to bullying.

The purpose of this policy is to ensure that all grievances are dealt with in a fair and consistent manner and at the earliest possible opportunity. Our intention is to try to resolve all work-related concerns in an informal setting through constructive dialogue, which can lead to a much quicker resolution and positive outcome for everyone concerned. Therefore, all employees and managers are expected to make every effort to resolve issues informally, without recourse to the formal process.

The procedure below explains how to raise a grievance.

Scope

This policy applies to all council employees, excluding teaching and non-teaching employees in schools and employees who transferred to the council in accordance with TUPE regulations and who remain on their previous terms and conditions of employment.

Definition

A grievance is defined as a concern, problem or complaint that an employee raises with their employer.

Principles

We are committed to promoting a culture of open communication where concerns, problems or complaints can be raised without fear of victimisation or reprisal.

We expect all individuals to raise concerns, problems or complaints in good faith, with the aim of resolving matters informally and therefore restoring good working relations.

The grievance process is not a substitute for good day-to-day communication about workplace issues and it is important to recognise that it may not always be possible to resolve concerns or complaints to everyone's satisfaction.

When to Use the Grievance Procedure

This procedure deals with any concerns, problems or complaints relating to employment matters and relationships at work, including allegations of bullying.

It can be used for individual grievances or collective grievances held by more than one employee about a particular issue concerning their employment.

When Not to Use the Grievance Procedure

This procedure will not apply in the following circumstances:

- In relation to the content of a council policy or procedure.

- To submit a complaint about the outcome of an internal procedure that has its own appeal process, for example, the disciplinary procedure or redundancy procedure.
- To submit a complaint about harassment; this should be raised via the dedicated [harassment policy and procedure](#).

Normal management action would not ordinarily be a reason to raise a grievance and so if you have any concerns in relation to any action or decisions taken by your manager, you should discuss this directly with them.

Malicious Grievances

The grievance procedure must not be used to raise complaints in a malicious manner, for example, complaints that are intended to cause distress to others or delay another process.

Inappropriate use of the procedure may result in disciplinary action being taken against the person who raised the complaint. However, no action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

Repeat Grievances

Grievances that have already been considered and responded to cannot be raised again under this or any other council policy or procedure.

Grievances after Employment has Ended

Grievances will not be considered if they are received after you have left the council, but if you raise a grievance during your notice period, we will aim to deal with your complaint before your employment ends. If this is not possible, the council may in its absolute discretion make any relevant enquiries into your complaint in order to conclude the matter and provide you with a written response.

Timescales

Tackling issues at an early stage is key to preventing them from becoming more serious problems and so it is important that you raise the matter with the appropriate person / manager at the time the incident occurs to allow it to be dealt with swiftly. Delaying reporting matters in order to collate a series or list of events in order to 'strengthen a claim' is not something we would advise or recommend, as it does not allow for the matter to be 'nipped in the bud'.

Grievances should be raised without unreasonable delay following the event or action that led to the complaint. We reserve the right not to pursue historic matters, i.e., grievances submitted more than 3 months after the incident(s) took place.

Every effort will be made to comply with the timescales outlined in this procedure, however it is recognised that on occasion these may need to be modified within a reasonable timeframe dependent on the nature of the complaint.

Grievance Procedure

This procedure is intended to enable grievances to be resolved at the earliest opportunity and at the lowest appropriate supervisory level.

Allegations of Bullying

Wherever a grievance involves allegations of bullying, the manager considering the matter must take advice from Corporate HR as soon as possible to agree how the allegations are handled.

Informal Process

If you have a complaint, you should talk to your line manager in the first instance. If this is not appropriate because the complaint relates to your line manager, talk to the manager of your line manager. The manager will discuss the complaint with you, make any initial enquiries where appropriate and take steps to address it.

If your complaint relates to another council employee, you should try to approach them, either in person or in writing, to make clear that their behaviour / actions are unwelcome and should stop. You may wish to talk this through with a work colleague, manager or trade union representative in advance of your approach to the respondent, if that would help you to feel more comfortable. If you feel this would be too difficult, you may ask your manager, or another manager if this is more appropriate, to approach the other person on your behalf. Your manager can also help by facilitating a discussion or mediation for you and the other person, to assist in resolving the complaint and rebuilding working relationships.

All employees are expected to exhaust the informal stage of the policy, unless the nature of the complaint is so serious that the informal route would not be appropriate.

Formal Process

If the informal process has been exhausted but is unsuccessful in resolving your complaint, you may submit a formal grievance in writing to your manager. If the grievance relates to your line manager, you should submit your grievance to the manager of your line manager.

In setting out the nature of your grievance, you should:

- be specific (i.e. explain what happened and when);
- be mindful of the language you use and stick to factual details;
- provide details of any witnesses and any relevant evidence to support your concerns, if applicable;
- state whether you have attempted to resolve the matter informally, and be aware that if you have not pursued the complaint via the informal process, you will be asked to do so; and
- explain what outcome you are looking for from this process and explain how you think the matter can be resolved.

Please be aware that if your grievance relates to another employee or manager within the council, we will need to share the details of the complaint with them and give them the opportunity to respond.

The manager considering the grievance will then invite you to a formal meeting; this is your opportunity to explain your grievance.

The meeting will be arranged without unreasonable delay; this will normally be within 10 working days from the date your grievance was received, however where this isn't practicable because of the complexity of the complaint or operational factors, the manager will notify you of the reason(s) for the delay and the expected timeframe.

Once a meeting has been scheduled, you must take all reasonable steps to attend. If your work colleague, trade union representative or official employed by a trade union is unavailable on the proposed date, you may suggest an alternative date within 5 working days of the original. If you do not attend the re-arranged meeting, a decision on your grievance may be made in your absence and the outcome will be confirmed in writing.

If necessary, the manager may adjourn the meeting to allow for further relevant information to be obtained in order for the manager to reach a decision on the outcome of your grievance. Where

this is the case, the manager will keep you updated on the progress of the enquiries and, if necessary, notify you of the reason(s) for any delay.

The manager will then notify you of their decision in writing without unreasonable delay, and where appropriate, set out what action they recommend or intend to take to resolve the grievance, as soon as reasonably practical.

Appeal Process

If you raise a formal grievance, you have a right of appeal against the outcome on the grounds that the procedure was not followed correctly, relevant information was not considered or that the matter has not been satisfactorily resolved.

You must submit your grounds for appeal in writing to the manager named in the grievance decision letter within 5 working days of the date that you received the outcome. It is really important that you set out the grounds on which you are appealing so that the manager considering your appeal can prepare to address these at the appeal meeting.

The appeal will be conducted by a senior manager who has not been involved in the decision-making process previously.

The manager considering the appeal will then invite you to a meeting without unreasonable delay; this will normally be held within 20 working days of receipt of your appeal. If it is not possible to achieve this timeframe, this will be explained to you and the date will be confirmed.

The appeal meeting is your opportunity to talk through your grounds of appeal but it is not a re-hearing of the original meeting. The manager will consider evidence presented at the original meeting which is relevant to the grounds of appeal or any new information relating to your original grievance that could have had a bearing on the outcome but was not sourced at the time.

After the meeting, the manager will notify you in writing of their final decision without unreasonable delay. This decision is final and there will be no further right of appeal.

Other Procedural Matters

Grievance Meetings

Everyone involved in this procedure, whether you are the complainant or respondent, has the right to be accompanied at formal grievance meetings / appeals by a work colleague, trade union representative or an official employed by a trade union. The work colleague, trade union representative or official employed by a trade union can present your case and respond to any views expressed at the meeting on your behalf, but cannot answer questions on your behalf or prevent others from explaining their case.

We do not allow meetings to be recorded as this can cause attendees to feel uncomfortable and less willing to participate, but the manager hearing the complaint may either take summary notes at the meeting or arrange for a note taker to attend to summarise the key points of the discussion. Any notes taken by the manager or note taker will not be detailed minutes of the meeting, therefore if you wish to make your own notes during the meeting, you are welcome to do so.

Grievances and Other Procedures

If you raise a grievance during the disciplinary procedure and the two matters are related, it may be appropriate for us to deal with both matters concurrently.

If you raise a counter complaint against someone who has raised a grievance against you, in most cases the two matters will be dealt with together within the original grievance; such complaints will not stop the original process.

Confidentiality

It is important that all parties involved in these procedures maintain confidentiality when any issues, complaints or concerns are being considered in order to preserve the integrity of the process.

Statements, letters and other communications will be strictly confidential to those involved in the grievance procedure and records will be kept in accordance with data protection legislation. Any breaches in confidentiality may be treated as a misconduct issue in itself.

Facilitated Discussions and Mediation

There are situations where a facilitated discussion or mediation may assist in rebuilding working relationships that have become strained. The aim of each intervention is for the parties to identify an agreement on how to resolve their dispute and to improve their working relationships for the future.

These interventions can be used at any stage of the procedure and will be facilitated or led by a neutral party not directly connected with the grievance. There is no right to be accompanied during these meetings.

Facilitated discussions and mediation are voluntary interventions that will only take place with the mutual agreement of the parties involved, however we hope all parties will recognise the benefits of seeking to resolve issues this way and we encourage the take up of these approaches wherever possible.

Additional Support

We recognise that the grievance procedure can be stressful for all parties involved and we would encourage you to speak with your line manager in the first instance if you have any questions or concerns.

If at any point you feel worried or upset, please contact the Employee Support team on 01772 538333, who can provide an impartial listening ear and practical help to all employees who may have work-related or personal problems or concerns. Alternatively, you can contact your trade union, if you are a member.

You may also wish to reach out to the various support networks within the council, which include the [Disabled Workers Forum](#), the [Forum of Asian and Black Employees \(FABE\)](#) and the [LGBT Employee Network](#).

Sickness Absence and the Grievance Process

Please be aware that if you are absent due to sickness during the grievance process, you must follow the normal sickness absence reporting procedure. It is in everyone's interest that concerns and complaints are resolved as quickly as possible and so the grievance process will continue while you are absent and we will update and engage with you as required. If you do not feel well enough to attend a meeting during this time, we will invite you to make a written submission for the manager hearing the grievance to consider.

Policy Version Control

Version	Date	Change
1	October 2020	Requirement to exhaust informal process first, unless circumstances make this route inappropriate. Complaints of bullying to be raised and investigated under this procedure rather than under the bullying and harassment procedure that existed previously.

Rewording of information about when not to use this procedure.
Addition of scenarios where the council reserves the right not to pursue complaints.
Revised timescales in line with Acas Code of Practice, reminding managers to act "without unreasonable delay".
