



Human Resources

Grievance Policy and Procedure



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Surrey Heath Borough Council
Knoll Road, Camberley GU15 3HD
human.resources@surreyheath.gov.uk



I Introduction

Surrey Heath Borough Council (Council) believes that all employees should be treated fairly and with respect. There is also an expectation that employees will take responsibility for their own conduct and performance, and will abide by all Council policies and procedures.

Surrey Heath Borough Council ('the Council') understands that good employment relationships between members of staff and positive working conditions are an essential for delivering efficient and effective services to our residents. The Council requires officers therefore to act promptly and with the resolution of issues in mind when problems arise. This policy outlines the expected principles and processes for employees involved in work-related issues to resolve them.

If an employee has a ~~problem,~~ **complaint** or concern about their work; working conditions; or their relationships or treatment by colleagues they should discuss this with their manager, who will endeavour to resolve the situation ~~on an informal basis~~ **informally**. If the employee feels unable to approach their manager directly, they should approach the Human Resources Team, who will discuss ways of ~~resolving~~ **dealing with** the matter with them. Individuals may also wish to talk through issues with a Staff Representative who can give confidential support and advice.

There are a number of ways in which issues can be resolved very successfully informally for example by using mediation. The HR team and Staff Representatives are very experienced in supporting staff through conflict resolution and can be relied upon to give confidential support.

Where attempts to resolve the matter informally do not ~~achieve a satisfactory resolution~~ **work**, it may be appropriate for the employee to raise a formal grievance under the Grievance Procedure. ~~It is recognised that a formal grievance procedure can be a stressful and upsetting experience for all parties involved.~~

2 Scope

The policy applies to all employees, including fixed term, who are employed on council business. ~~It also applies to third party workers who have been engaged to undertake work for the Council.~~



This policy and procedure should be read in conjunction with other relevant Surrey Heath Borough Council Policies including but not limited to:

- Disciplinary Policy & Procedure
- Dignity and Respect at Work Policy & Procedure
- Capability Policy & Procedure
- ~~Attendance~~~~Sickness~~~~Absence~~ Policy & Procedure
- ~~Whistleblowing~~~~Speak Up~~ Policy
- Member and Officer Protocol

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure.

3 Policy Statement

The purpose of this policy and procedure is to provide guidance when dealing with grievance matters and aims to address and achieve successful resolution of those matters, settle grievances. This policy and its procedures are in line with the requirements of the ACAS Code of Practice 2015. It also outlines employee rights throughout the process and explains each stage of the procedure.

Wherever possible, managers must seek to resolve issues informally in the first instance intervening as soon as they become aware of the issue and do so as quickly as possible.

Before identifying an issue as a grievance or commencing ~~invoking~~ the Grievance Procedure managers must seek the advice from the Human Resources Team.

The Council will not tolerate abusive, intimidating or insulting behaviour from anyone taking part in, or conducting grievance procedures, and will treat any such behaviour as misconduct under the Council's Disciplinary Policy and Procedure and related procedures.

It is recognised that a formal grievance procedure can be a stressful and upsetting experience for all parties involved and, regardless of the circumstances of the complaint,



treating all staff with dignity and respect and supporting wellbeing is an essential principle of this policy.

4 Equality Assessment Policy

The Council's Equality Scheme demonstrates its commitment to equality internally and externally and ensures that all sections of the community are given an opportunity to contribute to the wellbeing of the community. An equality impact assessment has been carried out on this Policy and Procedure.

The Council ensures that consultation is representative of the community and that consideration is given on how to consult hard to reach groups and will positively learn from responses.

5 Principle and Aims

- 5.1 It is recognised that a formal grievance procedure is needed when the employee considers that the informal process has not resolved the concern satisfactorily, or where the outcome is unsatisfactory to the employee. In such cases, employees should raise the matter formally ~~and without unreasonable delay~~ with a representative of the Human Resources Team who is not involved in the grievance. This should be done in writing within 6 months of the most recent incident prompting the complaint e issue arising, stating clearly it is a grievance, ~~and~~ setting out the nature of it and the resolution sought. The notification should be factual, keeping to the facts and avoiding language that is insulting or abusive. Any supporting documentation should also be provided together with information about any other members of staff impacted or who may provide corroborating information. All grievances raised with Human Resources within the specified time period will be investigated.

Grievances in which the most recent incident prompting the complaint that are older than 6 months will not be managed under the Grievance Policy but instead via the Speak Up Policy, Dignity and Respect at Work Policy or the Disciplinary Policy as appropriate.



If a member of staff does not wish to make a formal complaint but brings an allegation of discrimination, bullying or harassment to the attention of the Human Resources team, it is with the understanding that the matter will be acted upon. A member of the Human Resources Team will meet with the individual to discuss the complaint and will work with them to identify ~~decide on~~ the best way forward.

5.2 It is recognised that, in some cases, a grievance could be made against an individual, rather than the Council as a whole. In such cases, the Council will ensure that the rights of, and support to, both the employee and the individual who is the subject of the complaint will be equitable at all times.

5.3 ~~The Council will undertake to protect its staff against allegations concerning a third party. Hence, grievances resulting from matters that are not entirely within the Council's control such as contractor/client relationships, will be treated in the same way as those from within the organisation and this approach will apply to all contracts entered into by the Council. If the person or persons against whom the complaint is made is not an employee of the Council, the same procedure will be followed in an effort to reach a resolution.~~

5.4 Whilst a grievance is being considered, at whatever stage, the employee making the complaint will be expected to continue to work normally with the appropriate safeguards and supports in place.

5.5 The Council can reasonably expect to be given full opportunity to address a grievance brought by an employee before recourse to an Employment Tribunal.

5.6 If a grievance is made by an employee who has resigned and is working out their notice period, then the matter will still be considered under the Grievance Policy. If an issue is notified by a person who is not considered to be an employee or received after employment has ceased, then the matter will be treated as a customer complaint and not as a grievance.

6 Mediation

In some cases a mediator can help to resolve grievance issues. Mediation is a confidential process that involves two or more parties in dispute. It aims to bring the



disputing parties together and enter into negotiations to reach a mutually agreeable resolution through open and honest discussion. An important aspect of mediation is that once a resolution is found, the agreement made is written down so that in the event of the issue happening again, it can be referred back to.

Mediators may be accredited employees or an independent external mediator and can be involved at any stage to seek and facilitate resolution. Mediation will be used only where all parties in the grievance agree. Employees who feel mediation may help to resolve their grievance should contact the Human Resources Team for information.

7 The Right to be Accompanied

- 7.1 An employee will have the right to be accompanied by a Staff or Trade Union Representative or appropriate colleague at any formal Grievance meeting or hearing who is not implicated or connected with the case. The Council reserves the right to refuse accompaniment by a person who is reasonably deemed to be unsuitable by Human Resources. Examples of unsuitability would include someone who has a vested interest in the outcome of the grievance and anyone who has previously behaved inappropriately during a hearing.
- 7.2 A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. Workers may also alter their choice of companion if they wish. As a matter of good practice, in making their choice workers should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.
- 7.3 At the meeting the companion is allowed to address the meeting in order to:
- put the employee's case;
 - sum up the employee's case;
 - respond on the employee's behalf to any view expressed at the meeting;
 - the companion can also confer with the employee during the meeting.



The companion does not have the right to answer questions on the employee's behalf, ~~or to~~ address the meeting if the employee does not wish it, or to prevent the Council from presenting the case.

8 Rearranging/Postponement of Meetings

- 8.1 In the event that an employee or their chosen companion is not available on the date or at the time proposed for the mMeeting, the employee can propose an alternative date and/or time, provided that the proposal is reasonable and is within five working days of the original date. Only very exceptionally will the Council permit a postponement of greater than five days.
- 8.2 The parties should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they must advise the Human Resources Team. If either party fails to attend without explanation, or if it appears that the employee has made insufficient attempts to attend, the mMeeting may take place in their absence, using the evidence available.
- 8.3 In the event that the employee who originally made the grievance cancels or fails to attend two or more meetings or fails to progress the grievance by supplying requested information within a reasonable timescale, the case may be referred to the Head of HR, Performance and Communications who will make a decision whether to progress the grievance on the basis of the information available or to treat the grievance as 'no further action required'. The decision will be communicated in writing to the person who initiated the grievance together with the reason for the decision. There is no right of appeal to this decision.

9 Support during the grievance process

For many employees, being involved in a grievance hearing or an investigation is an unpleasant and distressing experience and every effort should be made to put them at ease and treat them with empathy and understanding throughout the process. Employees requiring additional support should contact the Human Resources team or their ir line manager to discuss what support can be provided. The Employee Assistance Programme is available for all employees who may wish to refer to the mental health pages on Warbler for further information and support.



10 Confidentiality

- 10.1** During the grievance process (and after it is completed) the need to maintain confidentiality is of paramount importance. All employees have a personal responsibility for ensuring that information they receive remains confidential whether it is written or verbal, or received directly or indirectly. [Breaches of confidentiality may be referred to the Disciplinary Policy for further consideration.](#)
- 10.2** Staff will only have access to confidential information which is pertinent to them. For example, witnesses who are interviewed as part of an investigation need only be informed of the aspects of the grievance that are relevant to them. This is to enable them to provide an accurate statement and ensure they have a fair opportunity to respond to any allegations made against them.

11 Accessibility

If applicable, reasonable adjustments will be made for the employee or their companion.

12 Records and Notes

Records will be kept to ensure accuracy and transparency of [the](#) process. All records will be treated as confidential and will be kept in accordance with the Data Protection Act 2018, Retention & Disposal Policy and General Data Protection Regulation.

The records will include:

- The nature of the grievance
- What was decided and what actions [were](#) taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal, [if applicable](#)
- Any subsequent developments



13 Grievance procedure

- 13.1** Where a grievance relates to an officer who may be empowered to investigate an employee's grievance, the matter should be raised with the next most senior officer or as guided by the Human Resources Team.
- 13.2** Although not exhaustive, issues that may cause grievances include:
- Terms and conditions of employment
 - Bullying and Harassment
 - Discrimination
 - Health and safety
 - Work relations
 - New working practices
 - Working environment

14 Informal Grievances

- 14.1** If employees would like an initial, confidential and anonymous conversation they can speak with either [a-the HR Manager, a](#) Senior HR Advisor or a Staff Representative.
- 14.2** If the employee has concerns regarding their work, working conditions or relationships with colleagues, they should first talk the matter over informally with their manager. If their concern involves their manager, they should raise the matter with the next appropriate senior officer or as guided by the Human Resources Team.
- 14.3** The manager will discuss the employee's concerns in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly. Informal discussion with the parties involved will be encouraged as appropriate, with the aim of resolving the issue(s) as swiftly and effectively as possible.
- 14.4** It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a mediator (see **Section 6 above**).



- 14.5** Where an informal approach has been unsuccessful, or circumstances make this route inappropriate, then matters can be raised formally.

15 Formal Grievances

- 15.1** Where a grievance is serious or an employee has attempted to raise a problem informally without success, the employee should raise the matter formally ~~and without unreasonable delay~~ with a representative of the Human Resources Team. This should be done in writing, within 6 months of the most recent episode of the -issue arising, stating clearly that this is a grievance and setting out the nature of the grievance, any supporting information ~~it~~ and the resolution sought.

- 15.2** Human Resources will acknowledge receipt of the grievance in writing within three working days stating who the investigating officer will be. The role of the investigating officer is to:
- Take ownership of the investigation from start to finish, ensuring confidentiality, fairness and impartiality throughout
 - Chair the investigation meetings
 - Explain the obligations in respect of confidentiality to any witnesses that are interviewed
 - Establish and document the facts and circumstances relating to the grievance
 - Deal with any queries regarding the investigation
 - Compile an investigation report detailing:
 - a record of the investigation process
 - a summary of the interviews with any witnesses
 - facts and findings established
 - conclusions drawn
 - outcome of the investigation i.e. whether the complaint is upheld, partially upheld or not upheld
 - recommendations for proportionate resolution of the complaint, for consideration by the relevant Head of Service



- 15.3** The Investigating Officer will arrange a grievance meeting within **ten** working days of receipt of the formal grievance. Human Resources will be present at the meeting and the employee has the right to be accompanied as detailed in Section 7.
- 15.4** A formal grievance meeting is not the same as a grievance hearing. This meeting allows the opportunity for the employee to re-state their grievance, for discussion and dialogue, how they would like to see it resolved and lead to an amicable arrangement for either moving forward or a solution.
- 15.5** Before proceeding to a grievance hearing, it may be necessary to carry out investigations of any allegations made by the employee, although the confidentiality of the grievance process will be respected.
- 15.6** The employee will receive written notice of the grievance hearing at least **five** working days before the meeting and will include the following:
- the date, time and location of the meeting
 - the right to be accompanied by either a Staff or Trade Union Representative or colleague of their choice (**See Section 7 above**);
 - a request to be advised of the identity of the individual accompanying the employee;
 - whether reasonable adjustments may be needed for the employee or their companion
 - All documentary evidence and supporting information must be exchanged by both parties at least 2 working days before the hearing.
 - In the event further investigatory meetings are required with any relevant parties the Grievance Hearing will be resumed as soon as possible.
- 15.7** Following the hearing, the employee will be informed in writing of the outcome and told of any action as a result of the employee's complaint. This letter will also confirm the employee's right to an appeal against the decision and the timescales for doing so. Where possible, Surrey Heath Borough Council will provide an outcome letter within ten working days.

16 Appeals



16.1 If an employee feels that their grievance has not been satisfactorily resolved they should write to the Head of HR, Performance and Communications who will appoint an Appeals Hearing Officer. Appeals Officer named in the grievance outcome letter. The appeal letter must be submitted made within **ten** working days of receipt of the grievance outcome and include the grounds for their appeal. Grounds for appeal may include any new evidence that was not considered in the original grievance, or concerns that the original grievance process was unfair or failed to fully consider the facts as presented.

The ~~An appeal will focus will review on~~ the matters raised in the appeal letter; ~~the action taken and the process adopted;~~ it's its' purpose is not to re-hear the matter. However, the Appeal Hearing Officer panel will consider new evidence that was not available at the time of the Grievance Hearing and both sides will have the opportunity to comment on such evidence during the Appeal Hearing process.

16.2 The appeal will be dealt with impartially and by a senior manager who has not previously been involved in the case. **See Appendix I for further information.**

16.3 Appeal Hearing meetings will normally take place within **10** working days of receipt of the employee's written notice of appeal. In exceptional circumstances the Appeal ~~meeting~~Hearing may take place within thirty working days² and this will be confirmed in writing to the employee with the reason for the delay. :

16.4 The employee will receive written notice of the appeal meeting in writing at least **five** working days before the meeting and will include the following:

- the date, time and location of the appeal meeting
- the right to be accompanied by either a Staff or Trade Union Representative or colleague of their choice (**See Section 7 above**);
- a request to be advised of the identity of the individual accompanying the employee;
- whether reasonable adjustments may be needed for the employee or their companion;

16.5 Upon conclusion of the appeal meeting, the Appeals Chair will provide the employee with written notification of the decision of the appeals panel, within **10** working days.



17 Grievances raised in relation to a disciplinary case

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the disciplinary and grievance cases are related it may be appropriate to deal with both issues concurrently.

18 Vexatious claims

The Council regards the lodging of a grievance as a serious matter. If an employee makes a frivolous or vexatious grievance claim the matter may be regarded as misconduct or gross misconduct.

19 Collective Grievances

If a grievance is presented by a group (two or more staff) then timescales for the grievance process will be discussed at the first meeting to ensure sufficient time is given to the complaint but recognising the need for it to be conducted in a timely manner. It would be helpful if the group could agree on one or two representatives to attend the Grievance Hearing on behalf of them all.

This policy is available in large print if requested.



Appendix I**Authority to Act – Grievance Procedure**

<u>Grievance Investigation /Action concerning</u>	<u>Suspension</u>	<u>Investigate the allegations, conduct a Grievance Meeting and make the decision</u>	<u>Chair the Appeal and make the decision</u>
All employees	<u>The Head of Legal and Democratic Services, Head of HR, Performance and</u>	The employee's manager or in some cases it may be necessary to appoint an alternative manager of a similar level after consultation with Human Resources.	A senior manager. Wherever possible the manager hearing the appeal will be senior to the manager who conducted the investigation and



	<p><u>Communication</u> <u>s or Executive</u> <u>Head of</u> <u>Transformation</u> <u>or HR &</u> <u>OD</u><u>The HR</u> <u>Manager or a</u> <u>Senior HR</u> <u>Advisor</u> who will notify the Chief Executive.</p>		<p>Grievance Meeting/Hearing, with no previous involvement in the case.</p>
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NB: For statutory officers please refer to the Officer Employment Rules at Part 4 Section J

