

# **GRIEVANCE AND DISPUTES PROCEDURE**

## **PURPOSE AND APPLICATION**

All employees of the Authority have a right to raise any grievance relating to their employment and have it settled fairly and without undue delay. This procedure applies to all employees.

The procedure applies to probationary and temporary employees, up to stage 2.

### **General Principle**

1. Any issue will be dealt with quickly and whenever possible by the employee's immediate line manager. This is to enable the line manager, particularly if the complaint is about their actions, to put it right.
  2. The grievance procedure is intended to protect staff who are the victims of unfair/unacceptable treatment. Line Managers will be expected to deal reasonably and helpfully with an employee's complaint; equally employees will be expected not to challenge reasonable management actions. In most cases it is the intention of this procedure that grievances will be resolved at the informal stage. Where a grievance is referred to the next stage, both the line manager and employee will be expected to show what steps they have taken to achieve a reasonable solution to the problem. The procedure ensures that an appeal is not heard by the person against whom the grievance was originally submitted.
  3. Recognising that raising a grievance can be stressful, the procedure allows an employee to be accompanied by a Representative of their trade union or a work colleague.
- Either party may ask for the Assistant Corporate Services Manager in their HR role, to be present.
- Where the grievance concerns a larger group of employees they may be represented by their shop steward/nominated representative who will normally meet the line manager on their behalf.
4. Any issues must be dealt with fairly and strictly in accordance with the Authority's established policies, in particular the Equal Opportunities Policy.
  5. There will be no victimisation of any employee who raises a grievance.
  6. Raising a grievance will not delay any action being taken under the Authority's disciplinary or capability procedure.
  7. An employee will be given access to information relating to the grievance except

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where there is a need for confidentiality to be maintained, e.g. relating to personal information of other employees. Where a request for information is unreasonably denied, this may form part of the grievance.

## **The Stages**

Stage 1 Raising the problem with the Line Manager

Stage 2 Referring the problem to the Assistant Director

Stage 3 Grounds for Appeal

Stage 4 Disputes only - Conciliation

## **STAGES OF THE PROCEDURE**

### **Stage 1: Raising the problem with the Line Manager**

Any aggrieved employee or group of employees, with a complaint or problem at work should contact their immediate line manager in writing about it within five working days of receiving notice of/or the most recent decision or the event. Verbal submissions of a grievance will not be accepted.

The supervisor will try to settle the grievance as quickly as possible ensuring relevant advice is taken from HR and senior management where appropriate and, in any case, must respond within five working days. Where the line manager is prevented from resolving the issue within this time limit the employee will be told the reasons for the delay and a deadline will be set for a final response.

The line manager will respond in writing within five days and, if not satisfied with the answer, the employee may proceed to Stage 2 within five working days.

Complaints may also be referred directly to Stage 2 with the agreement of both parties.

### **Stage 2: Appeal to the Assistant Director**

At this stage the employee will write to their Assistant Director within five working days of registering the appeal giving full reasons for their grievance, including reasons why the line manager's response at Stage 1 is unsatisfactory. Notification of any witnesses to be called must also be given at this stage.

The Assistant Director (or delegated senior manager) will give this to the line manager, who will be required to respond in writing to the Assistant Director within five working days, with a copy to the employee. Notification of any witnesses to be called must also be given. The hearing will normally take place within 10 days of the

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employee's case and management's response having been received.

**NOTE:**

(1) Where the grievance is directly about the Assistant Director, Stage 2 will be heard by the Chief Executive or an officer specifically nominated for the case. A grievance against the Chief Executive will be heard by the Clerk to the Authority.

(2) Where it is the Chief Executive who is aggrieved, the Clerk to the Authority will hear the grievance and any appeal will be to the Local Appeals Committee.

(3) Time limits in this procedure are expressed in working days. These are deemed to be Monday - Friday in all cases. Except in exceptional circumstances both sides will be expected to adhere to the time limits set. Failure to observe these time limits may result in either party losing their rights under the procedure if there is no acceptable reason.

**The Grievance Hearing**

The aggrieved employee will explain the problem, followed by the line manager who made the decision at Stage 1 explaining how this was reached. Each party may call witnesses as appropriate. Both parties will refer to their written statements to try to show that they have tried to reach a reasonable solution to the problem.

Further complaints and/or new evidence will not normally be permitted at this stage.

In reaching the decision the Assistant Director or delegated senior manager will normally be advised by the Assistant Corporate Services Manager

After the hearing the employee and the line manager will be notified of the decision in person whenever possible, and this will be confirmed in writing within ten working days of the hearing. Where a hearing is adjourned for further investigation, or for any other unavoidable reason, the employee must be kept informed of progress and a date set for the resumed hearing. It is not Authority's policy to issue notes as the official record of hearings.

**Stage 3: Grounds of Appeal to the Chief Executive**

Stage 3 shall be the final stage except in the following cases:

(1) Where the grievance relates a grading appeal;

(2) Where an important issue of principle arises relating to joint agreements and which should be considered through the National conciliation machinery.

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### **Procedure and Time Limits for Stage 3 Appeals**

Appeals must be registered in writing to the Chief Executive within ten days of receiving the decision. A further 5 days will be granted to provide a written statement explaining the grounds of appeal.

Where the Chief Executive is satisfied that the grounds of appeal are met, he/she will organise an Appeal Hearing. Where the Chief Executive is not satisfied that the grounds for appeal are met he/she will inform both parties of their decision in writing within five days.

No new evidence or witnesses can be introduced by either side at this stage, except with the prior agreement of the committee hearing the appeal.

### **Stage 4: Disputes - Conciliation**

Where matters referred to the appropriate meetings are not resolved, they may be referred by either party to ACAS for conciliation

Disputes will not be referred to ACAS until the above procedure has been exhausted.

No form of industrial action (e.g. "strikes" or "lock-outs") will be taken by either side whilst the relevant grievance/dispute is under consideration within this Procedure.

This procedure will be subject to periodic review.