



# GRIEVANCE AND DISPUTES PROCEDURE

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### PURPOSE AND APPLICATION

A 'grievance' is an issue or problem with something at work. If an employee is having a problem at work or wish to raise a complaint, then they should use the process set out in this Policy to do so. The Authority wants to make sure that the employee feels comfortable to raise any problems they may have.

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.

Any grievance raised by or against the Chief Executive shall be dealt with under this procedure and the appropriate process to follow is attached as Annex 1 of this Procedure.

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. The Business Services Manager in their HR role (or another member of HR) will 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, particularly the Equal Opportunities Policy.
5. There will be no victimisation of any employee who raises a grievance.

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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 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 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 employee letter/email should include the following:

- a What the employee complaint is – please provide as much specific information as possible.
- b Any evidence the employee must support the grievance – this can be sent as an accompanying file or bundle if necessary.
- c What outcome the employee is hoping to achieve from the grievance process

The Authority will confirm receipt of the employee grievance promptly. The Authority will then investigate the complaint the employee has raised. How the Authority will do this will depend on the nature of the employee grievance. For example, it may involve a review of documents, or it may involve interviewing others involved in the complaint. The employee must cooperate with our investigation.

#### The Grievance hearing

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The Authority will invite the employee to a grievance hearing to discuss the employee grievance. The Authority will usually do this within [ten] working days of receiving the employee grievance, although the process may take longer if the complaint is complex. The aim is to act without unreasonable delay throughout the grievance process.

The employee has the right to be accompanied at this meeting by a work colleague or trade union representative (see section 5 for more details).

If the employee or the employee chosen work colleague are unable to attend the meeting at the time arranged, then the employee should let the Authority know without delay and the Authority will organise an alternative date and time. Unless there is a good reason, the Authority are unlikely to rearrange a meeting more than once. If the employee does not attend a grievance meeting that has been set up (or rearranged) for the employee, and the employee do not give a good reason the Authority may treat the grievance as withdrawn by the employee.

At the meeting, the Authority's appointed grievance officer (see below) will discuss the employee grievance with the employee, including any desired outcome. A note-taker will usually be present.

The Line Manager 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.

If the grievance is against the Chief Executive, it should be referred directly to the Monitoring Officer. Any grievance will be handled in line with the guidance of the JNC.

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

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

At this stage the employee will write to their 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 Director (or delegated senior manager) will give this to the line manager, who

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will be required to respond in writing to the 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 employee's case and management's response having been received.

### **NOTE:**

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

(2) A grievance against the Chief Executive shall be heard in accordance with the process detailed in Annex 1 of this procedure.

(3) Where it is the Chief Executive who is aggrieved, the process in Annex 1 of this procedure should be followed.

(4) 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 Appeal 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 Director or delegated senior manager will normally be advised by the Business 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; (The appeal will be heard by the

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Appeals Committee)

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

### **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, they 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 "lockouts") 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.

### **Competing or related grievances**

Where competing grievances are received, The Authority will usually follow the full formal process set out above in relation to both. The Authority will not prioritise one over the other. The Authority will keep all information confidential and separate in relation to the two processes.

Where grievances cover similar or related subjects, the Authority may approach all those involved to seek to agree that the grievances can be joined, and a joint meeting held to discuss them. However, this would require the agreement of each person involved. Each person has the right to follow the full process individually if they wish to.

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### **Grievances raised during a disciplinary or performance management process.**

Our approach is driven by the fact that we do not normally want a grievance to delay (or even derail) an ongoing disciplinary or performance management process.

Where a grievance is raised whilst a disciplinary or performance management process is in progress, the Authority may choose any of these three options:

- a Pause the existing process whilst investigating the grievance
- b Deal with the existing process at the same time as the grievance, as part of the same overall process
- c Deal with the existing process at the same time as the grievance but run two independent processes concurrently

When deciding on this, The Authority will take into account the most appropriate course of action in each case and the need to act without delay.

### ANNEX 1

This process applies to the Chief Executive. It contains the principal elements of the Authority's Grievance and Disputes Procedure but deals with the unique relationship that this places the post holder in with the Authority. The employer in the case of the Chief Executive is the Authority and the application of MWDA's grievance and disputes procedure sets out the role of elected members in the process of supporting officers.

#### 1. General Principles.

The general principles of the procedure for grievance and disputes are in accordance with those detailed within the main body of this procedure and are applicable to the Chief Executive.

The process detailed below covers the following circumstances:

- Where an employee raises a grievance against the Chief Executive
- Where the Chief Executive raises a grievance

#### 2 Stages

Where a grievance is raised against the Chief Executive it should be done, in writing, under the Authority's Grievance and Disputes Procedure.

##### Preliminary Investigation

The initial grievance raised by an employee should be referred directly to the Monitoring Officer and should be in writing. The Monitoring Officer will undertake a preliminary investigation to ensure that allegation/s against the Chief Executive are clearly founded or if they may be best dealt with under some other procedure.

Where the Monitoring Officer is satisfied that the grievance is neither procedurally flawed or patently frivolous then attempts may be made with agreement from both parties to resolve the matter informally. This may be through internally facilitated informal joint discussions (mediation) or through an external mediating body (such as ACAS).

If informal attempts at resolution fail or are considered inappropriate, then the matter should be referred to the Investigating and Disciplinary Committee

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### Stage 1

The Investigating and Disciplinary Committee will hear the case and reach its conclusion. The Grievance Hearing will be held in accordance with the principles detailed within the main body of this procedure.

Where the committee upholds the grievance, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

Where the committee upholds the grievance and decides that it is a matter of a serious nature then it may decide to utilise the Authority's Disciplinary Procedure.

### Stage 2

If the Chief Executive is unwilling to accept any proposal of resolution, the matter will be referred to the Full Authority for resolution.

The decision of the Authority shall be final.

### Grievance raised by the Chief Executive

Where the Chief Executive raises a grievance then similar principles to those outlined above will apply however, informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures.

Where the Chief Executive raises a grievance, it should be made in writing, directly to the Monitoring Officer in the first instance who, through discussions with the appropriate parties will establish if there is any value in seeking to resolve the matter informally.

### Stage 1

If informal resolution is deemed either inappropriate or unsuccessful the Monitoring Officer will refer the matter to the Authority's Investigating and Disciplinary Committee who will hear the case and reach its conclusion.

The Grievance Hearing will be held in accordance with the principles detailed within the main body of this procedure.

## 13 Appendix 7

The Chief Executive may appeal the decision. The appeal must be made within ten days of receiving the decision. A further 5 days will be granted to provide a written statement explaining the grounds of appeal.

### Stage 2

The Chief Executive has a right of appeal against a decision taken by the Investigating and Disciplinary Committee, which must be done in writing, stating the grounds of appeal. The appeal will be heard by the Full Authority.

The decision of the Authority shall be final.

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