



Grievance Policy and Procedure

Introduction

At West Oxfordshire District Council (WODC), we encourage a culture in which you can raise any workplace problems, complaints or concerns in a supportive framework and we will ensure that all grievances are dealt with quickly and fairly. The basic premise that every employee has the right to be treated fairly and with dignity and respect at work sits at the heart of this policy and is governed by the principles of natural justice.

We would strongly encourage employees and managers to resolve grievances informally, wherever possible. Most issues can be resolved informally. However, if an informal approach does not resolve matters, or is not appropriate, you may choose to raise a formal grievance.

This policy outlines the grievance process, the roles of those involved and the support that is available to you. At all stages of the procedure, all parties will observe confidentiality and act with sensitivity. When dealing with grievances and complaints, managers must ensure that equality and diversity considerations are taken into account at every stage of the process.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

Scope

This policy applies to all WODC employees. It does not apply to contractors, consultants or any self-employed individuals working for WODC.

If you have a grievance that relates to ongoing disciplinary proceedings, you should raise this during the disciplinary procedure with reference to the grievance procedure (for example during the disciplinary meeting or appeal stage). The reason for this is so that the grievance can be addressed in the context of the relevant disciplinary proceedings to which it is related and so that any correction which is applicable can be made quickly and with the least disruption. No individual will suffer a detriment for raising a grievance. An individual may close a grievance at any time.

If you raise a grievance or you whistle-blow during disciplinary proceedings that is unrelated to those proceedings, the disciplinary proceedings and grievance procedure will normally run independently.

Fairness and Respect

We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.

We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our disciplinary procedure. Making malicious, vexatious or false allegations will not be tolerated and is a disciplinary offence.

Remote Proceedings

Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. This could happen if you are physically not able/incapable to attend the meeting or if there are practical reasons as to why a face-to-face meeting cannot go ahead. We will ensure that all those participating have access to the necessary technology. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

Adjustments to Proceedings

If any aspect of the grievance procedure causes you difficulty because of a disability, or if you need assistance because English is not your first language for instance, you should raise this with your line manager or the person holding the meeting, who will make appropriate arrangements for you. **ADD HYPERLINK to ED&I**

Recording of Hearings and Investigation Meetings

We will take a written record of all meetings conducted under this procedure. This will be done either by the person holding the meeting, a member of the HR Team or by an additional person arranged by us to take notes.

You, or any person acting with you or on your behalf, are not normally permitted to record electronically any meeting that we hold under the grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

Raising an Informal Grievance

In the first instance, you should raise any grievance that you may have informally with your line manager. If your grievance is about your line manager, you should raise this with a statutory officer or HR Business Partner if unsure who to approach.

The relevant manager will meet with you to give you the opportunity to explain your grievance and seek to identify whether the issue can be resolved informally. Many concerns can be resolved informally.

Mediation is a voluntary and confidential process and if you do not wish to take part in mediation, you do not have to. The mediator will be impartial, neutral, and fully trained to conduct mediation whether they be an internal or an external resource. Mediation can help to mend workplace relationships by: -

- Finding solutions that everyone agrees to.
- Improving communication.
- Allowing everyone involved to have control of what is finally agreed.

Mediation can be used at any stage in a disagreement but the earlier the disagreement is dealt with the less chance there is of things becoming more difficult and entrenched.

However, while we encourage the informal resolution of complaints through informal meetings or an agreement to take part in mediation, we recognise that this is not always possible or appropriate, for example if your grievance relates to a serious issue such as discrimination. Therefore, if the informal process does not resolve matters such that you are not satisfied with the outcome or is not appropriate or does not work, you should raise a formal grievance under this procedure.

Raising a Formal Grievance

Where your grievance has not been resolved informally, or if your grievance is serious in nature, you should raise the matter formally in writing. Grievances can be about: -

- Bullying and Harassment (normally dealt with under the Anti-harassment and Bullying policy - [hyperlink](#))
- Communication problems
- Personality clashes
- Relationship breakdowns

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with another appropriate senior manager/statutory officer. If you have any queries about this procedure you should refer to your HR Business Partner. Under the formal procedure within this policy:

- we will ask you to set out your complaint in writing or via email. Please include as much detail as possible, for example:
 - the respondents name (who is/are the key people involved in your complaint)
 - the nature of the complaint
 - the dates of the alleged acts of your complaint
 - names of any witnesses
 - and details of any action taken to address the matter so far
 - any other information that you feel is directly relevant
- you may be asked to discuss this in more detail with the investigating officer,
- we would usually expect the matter to be investigated, which may include meeting with the alleged bully/harasser to ascertain their response to the allegations. It may also include interviewing potential witnesses who we will instruct to keep the matter confidential
- we would usually expect the manager chairing the matter to carry out further investigations of the complaint where necessary
- we would invite you to a meeting to discuss your complaint in full. You will have the right to be accompanied by a work colleague
- we would hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses
- the chair will consider all the evidence in full and make a decision
- we will inform you of the decision (this will normally be in person without unreasonable delay) and, if we uphold the complaint, instigate disciplinary action up to and including dismissal against the bully/harasser. You will be notified of the timescales involved and any decision will be confirmed to you in writing.

Your complaint should be in writing or on email and sent to your line manager. If your complaint relates to your line manager, you should send your written grievance to a senior manager/statutory officer.

Stage 1 - Investigation

Your grievance will be kept confidential as far as possible. Other people being questioned will be asked to keep the matter confidential.

However, before proceeding to a grievance hearing, we may have to carry out a fact-finding investigation. This will usually be conducted by the same manager who will hear your grievance. The relevant manager will write to you confirming that they are conducting the investigation and the timescale for completion. You have the right to be accompanied by a work colleague.

The level of investigation and time this will take will vary depending on the nature of your grievance.

You will be given a copy of any evidence, reports produced etc, collated during the investigation in advance of the grievance hearing. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, we will provide you with an appropriate summary of the evidence.

Stage 2 - Hearing your Grievance

The Grievance Hearing

The grievance hearing will be held within five working days of receiving your written complaint. However, if this is not possible, you will be informed of the reason for any delay.

You are entitled to be accompanied by a work colleague.

The grievance hearing will be conducted by your line manager, unless your grievance relates to your line manager, in which case it will be conducted by another manager.

The purpose of the hearing is for you to explain the nature of your complaint and what action you feel should be taken to resolve the matter. If more information comes to light, it may be necessary to adjourn the grievance hearing to conduct a further investigation and reconvene the hearing when this has been done.

If you are unable to attend the grievance hearing because of circumstances beyond your control, you should inform the line manager conducting the hearing as soon as possible and explain the circumstances. We will reschedule the hearing at least once but if you fail to attend the rescheduled hearing, the grievance hearing may take place in your absence, based on your written grievance statement and any other documentation available.

The Outcome

Following the hearing, the chair will inform you in writing, usually within seven working days after the hearing, of the outcome and any action that will be taken as a result of your complaint.

Right to Representation

At any formal meeting you have the right to be represented by a work colleague. However, consideration will be given to another person in exceptional circumstances.

Stage 3 - Appeal

Appealing Against the Outcome

If you are not satisfied with the outcome of your grievance, you may submit a formal appeal.

You should appeal in writing to the senior manager, named in the grievance outcome letter within 7 working days as specified and if you have any questions about the process you should raise them with your HR Business Partner

Your letter should clearly state the grounds of your appeal, i.e. the basis on which you consider that your grievance has not been satisfactorily resolved.

Appeal Meeting

We will then arrange an appeal meeting within seven working days to consider the matter. However, if this is not possible, you will be informed of the reason for any delay.

You are entitled to be accompanied at the appeal meeting by a work colleague.

The appeal meeting will be conducted by the Chief Executive/statutory officer, a member of the HR Team or delegated person, who will consider your grounds for appeal and review the conclusion reached in the original grievance hearing.

If you are unable to attend the appeal meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible and explain the circumstances. We will reschedule the meeting at least once but if you fail to attend the rescheduled meeting, the meeting may take place in your absence, based on your written grievance statement and any other supporting documentation available.

Outcome of Appeal

Following the appeal meeting, the relevant manager who was appointed as chair will inform you in writing, usually within seven working days, of the outcome. The outcome of the appeal is final.

Collective Grievances

If you and another employee (or more than two of you) have identical grievances and you all wish to have it addressed in one grievance process, you can raise a collective grievance. We retain the right to hear your grievances individually if your grievances are not identical, or there are exceptional circumstances.

If you are raising a collective grievance, the requirements set out in this policy are varied as follows.

Raising a Formal Grievance

Your written complaint should still be submitted as an individual document and be headed "Formal collective grievance". You and your colleagues will need to nominate one of you to act on behalf of all of you throughout the grievance process. Your grievance letter must identify whom you have appointed to be the nominated representative.

If you and your colleagues are all members of the same trade union, your trade union representative may raise the collective grievance on your behalf.

Stage 2 - Hearing your Grievance

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance meeting. You will be entitled to be accompanied by a work colleague. Following the meeting, there will be one identical outcome. You and your nominated representative will be notified of the outcome in writing and any action that will be taken as a result of your collective complaint. Where the nominated representative wishes to be accompanied at the grievance meeting by one of the other employees taking out the grievance, they may request this from the chair of the meeting.

Stage 3 - Appeal

If you, or any of your colleagues, are not satisfied with the outcome of your collective grievance, you may submit a formal appeal, your appeal should be headed "Formal collective appeal". You should appeal individually in writing to the Chief Executive/statutory officer named in your outcome letter within seven working days of receipt of the collective grievance outcome letter.

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance appeal meeting. You will be entitled to be accompanied by a work colleague. Following the appeal meeting, there will be one identical outcome. You and your nominated representative will be notified of the outcome in writing. Where the nominated representative wishes to be accompanied at the grievance meeting by one of the other employees taking out the grievance, they may request this from the chair of the meeting.

The outcome of the collective appeal is final.

If only one employee wishes to appeal, the normal grievance procedure will apply to the appeal.

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