

## Grievance Procedure

Somerset Council is committed to enabling employees to raise any grievance that arises in the course of their employment, and for these to be dealt with as fairly and quickly as possible.

A grievance is a concern, problem, or complaint that an employee has in relation to their employment. This includes bullying and harassment. For further information on concerns regarding bullying and harassment see the Dignity at Work Code of Practice ([add link](#)).

This policy applies to all Somerset Council staff with the exception of staff employed within schools, to whom a separate procedure applies.

This policy does not apply to matters which have their own policies, processes, and appeals, this includes:

- Pay and grading
- Redundancy
- Flexible working
- Whistleblowing/Public Interest Disclosure
- Ill Health Retirement
- Disciplinary\*

\*Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure. Complaints about any disciplinary action taken against an employee will be dealt with as an appeal under the disciplinary procedure.

If an employee or manager is unsure which policy applies, HR advice should be sought.

Employees should not be disadvantaged in their employment for raising a grievance or acting as a witness for another employee.

It is expected that all grievances are raised in good faith. Any grievance raised which is considered malicious or vexatious will be dealt with through the disciplinary procedure ([add link](#)).

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

## **Internal Advice and Support**

All parties should be provided with support from an appropriate colleague who is not involved in the process. Trade unions and professional associations can also play an important role in assisting all parties. All parties (within Somerset Council) will be able to contact Care First (the confidential counselling service) and employee support networks as required ([add link](#)).

## **Informal Resolution**

It is expected that all available informal options will be explored with a view to achieving a positive outcome before making a formal complaint under this policy. However, in exceptional circumstances where it is accepted that informal resolution is not appropriate, the formal process may instead be used.

The primary objective of the informal grievance procedure is to seek to resolve workplace concerns as quickly as possible in a non-adversarial way and as close to the source of the problem as possible.

Somerset Council expects all parties to be involved and cooperate with the process of achieving a resolution.

## **Informal Process**

If an employee has a grievance, they should discuss this with their line manager in the first instance. If the grievance is regarding the line manager, then the employee should raise their concern(s) with their manager's manager.

The manager should arrange to meet with the employee (complainant) as soon as possible (within 5 working days). The aim of this meeting is for the manager to gain a full understanding of the issue(s), the outcome that the complainant is seeking, and to explore possible means of resolution.

The manager should make written notes of the meeting including any proposed resolution, and copies should be provided to the complainant and any other employee(s) involved in the discussion. If it is not possible for the manager to resolve the employee's issue(s) the reasons for this will be noted.

Informal resolution options to be considered during this meeting may include, but are not limited to:

- The complainant agreeing to speak directly to the other involved party (with a manager or HR colleague to facilitate if appropriate).
- Identification of a suitable workplace mentor.
- Mediation between the complainant and the other party. Mediation is a process by which an impartial, trained individual helps two or more people in

a dispute to talk about their situation, exchange their concerns and come up with ideas about how to move the dispute forward. More information is available here [\(add link\)](#).

- Additional training.

## **Formal Process**

If the grievance is not resolved at the informal stage, the employee should raise the matter formally in writing with their line manager (or manager's manager as appropriate) setting out the resolution they are seeking. The Employee Concern Form can be used to assist an employee in raising a grievance [\(add link\)](#).

A manager will be assigned to deal with the grievance with appropriate HR support. They will acknowledge receipt of the concerns and arrange to meet with the complainant within 10 working days. The purpose of this meeting is to ensure clarification of the issue(s), discuss whether an investigation is necessary, explore the resolution that is being sought, and clarify the process. Information regarding investigations can be found in the Investigations Guidance [\(add link\)](#).

If another employee is the subject of the complaint, they will need to be advised of the specific concerns raised against them in writing and invited to a meeting to discuss this and the proposed resolutions. The manager should establish with the complainant that they are happy for the details of their grievance to be shared, in full prior to providing this.

If the grievance is in relation to a more serious matter and it is deemed appropriate following the completion of the investigation, a formal hearing will be arranged.

## **Hearing**

The notification of the hearing will be provided in writing, along with a copy of this procedure, the date of the hearing, right to representation, and who will be in attendance as well as details of the matter to be considered at the hearing. The employee may be provided with a copy of the investigation report at the discretion of the manager. All parties have the right to be accompanied by their trade union official or an appropriate work colleague.

The names of any witnesses that the employer may call must also be provided. The employee in turn must submit any documentation they wish to be considered at the hearing, and the witnesses they wish to call, at least three working days before the hearing.

Where appropriate and agreed, a hearing may be tape recorded. This should be discussed with the panel in advance of the hearing. It is expressly forbidden for any employee to covertly record any investigation meeting or hearing. Notes will be

taken at the Hearing by the Council with the employee and their representative provided copies upon request.

Where an employee or their representative is unable to attend on the date specified the **HR Officer** should be advised immediately and a new hearing date will be provided within five working days of the original date. The Council will liaise with all parties to rearrange the hearing at a mutually convenient date where possible. When any party is unable to attend a rearranged hearing, it may go ahead in their absence.

Adjournments may be sought by any party at any time during the hearing.

If possible, the Chair should aim to provide their response to the grievance after an adjournment on the day of the hearing. The Chair will confirm in writing the response and/or any resolution proposed within 5 working days of the hearing which will include one of the following outcomes:

- The grievance is upheld - The Chair will consider what the employee is seeking by way of resolution and if it is appropriate. The Chair may also provide their own recommendations on resolutions and whether any subsequent proceedings are appropriate (such as disciplinary where there is evidence that bullying has taken place).
- The grievance is partially upheld – The Chair will provide further details on what parts of the grievance are upheld and any recommendations, resolutions, or subsequent proceedings required as appropriate.
- The grievance is not upheld - This may include circumstances where there is not enough information to determine whether the employee's concerns should be upheld or not. The Chair may still choose to make recommendations, as set out above.

The letter will also outline who the complainant can contact if they remain dissatisfied and wish to appeal.

## **Appeal**

If the complainant is dissatisfied with the outcome of the hearing or proposed resolution, an appeal may be raised by making contact in writing, this must be received within 10 days of receipt of the outcome letter. For further information on the appeal process please consult the policy ([add link](#)).

## **Monitoring Resolutions**

Line managers will ensure that any proposed resolutions are actioned, and that no retaliation occurs against either party. Where appropriate, managers should meet with all parties as necessary to review progress of the resolution.

## **Collective Grievances**

A collective grievance is where a group of employees wish to raise the same grievance, are seeking the same resolution, and feel that it can be dealt with collectively. A collective grievance may be dealt with through this policy and the group of employees may nominate a spokesperson to represent their case. The complainants will be entitled to only one grievance hearing and (if applicable) one appeal hearing. The complainants will be notified individually of the outcome of their collective grievance. If the complainants do not entirely voluntarily agree to this arrangement or if their grievances are not identical, arrangements should be made to hear the grievances individually.

There is a dispute resolution procedure for dealing with disputes between the employer and recognised trade unions (currently being updated, link to follow).

## **Grievances Raised During Disciplinary Process**

Where an employee raises a grievance during a disciplinary process there are options for how and when the grievance will be dealt with:

- If the grievance is directly related to the disciplinary it may be appropriate for the grievance to be dealt with as part of the disciplinary procedure.
- If the grievance calls into question the integrity of the disciplinary process the disciplinary will be suspended until the grievance has been dealt with.
- If an employee raises a grievance that is unrelated to the disciplinary, the grievance may be dealt with concurrently but separately to the disciplinary process.

For further advice contact the [HR Advisory Service](#).

## **Counter Claims**

Counter claims may be made by those against whom the original complaint has been made. A process to seek a resolution to the original complaint should not be discontinued because a counter claim is raised. If possible, the two complaints should be considered together whilst seeking a resolution.

## **Complaints Having left Employment**

Where possible, an employee should raise any concerns before leaving employment, Exit Questionnaires are a key way in which Somerset Council collates such information. If an employee raises a complaint during their notice period, the Council will endeavour to conclude this before the employee's notice period expires.

If an employee wishes to raise a complaint having left employment, the employee should write to their manager setting out their complaint within 3 months of leaving.

Where a complaint is received from an employee who has left employment, following consideration and any necessary investigation of the issues raised; the manager will send a written response to the complainant, there will be no right of appeal in this situation.

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Relevant Legislation	Trade Union & Labour Relations (Consolidation) Act 1992 ACAS Code of Practice Equality Act 2010