



# Grievance/Complaints

## HR Policy Document

# Document Control

Document Title: Grievance/Complaints Policy

## Summary

Publication Date	15 <sup>th</sup> December 2016
Related Legislation / Applicable Section of Legislation	
Related Policies, Strategies, Guideline Documents	Grievance/Complaints Procedure; Manager's Guidance New Grievance/Complaints Policy & Procedures
Replaces	Grievance Policy & Procedure; Dignity At Work Policy & Procedure
Joint Policy (Yes/No)	
Name of Partner(s) if joint	
Policy Owner (Name/Position)	Margo Kane, Head of Workforce & Organisational Development
Policy Author (Name/Position)	Louise Griffiths, Senior HR Consultant
Applies to	All employees of the Council except Teachers and certain support staff in Locally Managed Community, Controlled, Voluntary Aided and Foundation Schools and employees graded in accordance with the Chief Executive, Chief Officer and Assistant Chief Officer Pay Bands)

## Review of Strategy

Last Review Date	5 <sup>th</sup> December 2016
Review undertaken by	Mark Wiggins, HR Consultant (Advisory)
Next Review Date	December 2018

## Document Approvals

This document requires the following approvals.

Name	Title	Date of Issue	Version Number
Margo Kane	Head of Workforce & OD		



## **1. INTRODUCTION**

- 1.1 The Council is committed to promoting a positive working environment where employees feel they can raise work-related concerns, problems or complaints with their managers both informally and formally if required. The Council's policy for dealing with such matters is outlined in this document.
- 1.2 Dealing effectively with employee's grievances/complaints about work related issues is essential for the Council to deliver high quality services and to ensure the safety and wellbeing of employees and that they do not feel that they are being treated unreasonably by managers and co-workers. This policy is necessary for promoting fairness and consistency and to ensure that a transparent process is followed.
- 1.3 The Council will regularly review, refresh and update this policy (and its associated procedures and process documents) to ensure effectiveness and compliance with legislative changes, case law and best practice.

## **2. OPERATION**

- 2.1 This policy applies to all employees of the Council except Teachers and certain support staff in Locally Managed Community, Controlled, Voluntary Aided and Foundation Schools and employees graded in accordance with the Chief Executive, Chief Officer and Assistant Chief Officer Pay Bands)
- 2.2 The aim of the Grievance/Complaints Policy is to provide individual employees with a mechanism to raise genuine and legitimate concerns about their work or the environment within which they work.
- 2.3 The policy applies to situations where:-  
(a) Employees feel aggrieved regarding a decision and/or action (or inaction) taken by line management that affects them.  
(b) Employees feel that they have been bullied and/or harassed by behaviours and/or actions towards them by management/co-workers/other employees/external persons in connection with their work.
- 2.4 The policy does not apply to situations where:-  
(a) An employee is subject to proceedings under employment procedures relating to conduct, capability, attendance, a recruitment process or redundancy and is aggrieved by actions/processes/outcomes related to those proceedings.  
(b) An employee is aggrieved regarding matters relating to their pay and grading.  
(c) A service user/resident has complained regarding a service

In such circumstances as (a) the matters should be raised by the employee within the relevant procedure as part of their response or appeal. If a grievance/complaint is raised by an employee and which relates to matters concerned with/relating to any ongoing investigation, conduct/capability/attendance/recruitment or redundancy process then those issues will be dealt with within the appropriate ongoing process/procedure.

Issues in relation to (b) should be raised in accordance with the Council's separate Grading procedure.

Complaints falling under (c) will be dealt with in line with the Council's Corporate Complaints Procedure.

- 2.5 The grievance/complaint, unless there are exceptional circumstances, should in all cases be submitted as soon as reasonably possible after the event/incident and without any undue delay.
- 2.6 The Council recognises that grievances/complaints may arise in a variety of forms. Some may be of a potentially minor nature; others may be of a more serious, fundamental importance, but wherever possible, all parties should, in the first instance, see whether any issue could be resolved speedily and informally and without recourse to the formal stages of the Grievance/Complaints Procedure.
- 2.7 The Council reserves the right to refuse to accept a grievance/complaint that is considered to be repetitious and/or vexatious, malicious, false, and/or has not been raised properly with the relevant manager at an early stage. Those grievances/complaints found to be vexatious, malicious or false will be treated as a potential misconduct issue and shall be progressed via the Disciplinary Conduct Procedure.

### **3. PRINCIPLES OF THE POLICY**

- 3.1 The following principles will apply to the application of this policy:-
- 3.2 **Terminology** - for the purposes of the policy and procedure and for consistency, the employee submitting the grievance/complaint shall be referred to as the Appellant. The manager/employee responding to the grievance/complaint shall be referred to as the Respondent.
- 3.3 **Timescales** – best practice and statutory codes of practice determine that grievances/complaints should be dealt with as soon as possible following receipt. To provide focus to the process indicative timescales are referred to in associated procedural and process documents and it is the Council's expectation that wherever possible these timescales will be adhered to.

It is acknowledged however that dependent on the nature of the grievance/complaint and the amount of investigation that may be required to provide a response, this may not always be possible. In these cases the Appellant shall be informed of any delay and the reasons for it, and provided with an anticipated timeline in which the matter will be concluded.

Both Appellants and Respondents must take all reasonable steps to make themselves available to attend meetings and hearings in connection with this policy.

- 3.4 **Informal Resolution** - the policy will be applied on the principle that no formal action will be taken until the informal process has been explored and exhausted. This includes an assessment of mediation in cases where perceived bullying/harassment/less favourable treatment has been alleged. The outcome of the informal process will be confirmed in writing to all parties before the formal process is commenced.

Where the employee feels that the outcome of the informal stage has not resolved their grievance/complaint to their satisfaction, the employee has the option to seek to progress to the formal stage of the procedure. If it is felt that those and/or any outstanding issues should and/or could still be resolved informally then such matters will be referred back to the relevant manager to review the situation and deal with it appropriately. There is no right of appeal against any such decision to refer the matter to be dealt with informally.

- 3.5 **Investigation of grievance/complaint** – An independent manager will be appointed by the the relevant Commissioning Manager within the Appellant's employing service as per the Scheme of

Delegation. This investigating manager will investigate the issues raised by the employee and providing a written report of their findings for consideration at a Hearing. The investigating manager will have discretion to explore all relevant issues, including conducting fact-finding interviews with parties involved if deemed necessary. As part of this process the Respondent will be provided with the details of the employee's grievance/complaint in writing and given the opportunity to provide their response to the investigating manager.

- 3.6 **Link to Disciplinary Conduct** – if evidence is found during the investigative phase of a prima facie case of bullying and harassment then the matter will revert directly to the Council's Disciplinary Conduct Procedure. In these cases it will not be necessary to exhaust the Grievance/Complaints Procedure first and the Appellant will be advised that their complaint is instead being progressed through this procedure. The same investigating manager will progress the case through the Conduct process and any evidence collated during the grievance/complaint process shall be used for this purpose.
- 3.7 **Right to be accompanied** – the statutory right to be accompanied by a Trade Union Representative or work colleague but no-one else applies for a formal hearing. This statutory right does not apply to any other stages however Respondents and Appellants can request to be accompanied.
- 3.8 **Confidentiality** – All parties involved in the application of this policy and its associated procedure and processes must ensure that they maintain confidentiality and any breach of this will be treated as potentially serious misconduct.
- 3.9 **Advice and guidance** – a manager must seek advice from the HR Service when progressing through the formal stage of the Grievance/Complaints Procedure.

#### 4. **MONITORING**


- 4.1 The HR Service will be responsible for monitoring and administering the policy.

#### 5. **EQUALITY AND DIVERSITY CONSIDERATIONS**

- 5.1 Directors and managers are responsible for ensuring that they operate the policy in line with the Council's Equality and Diversity policy to provide equality of opportunity for all employees.
- 5.2 The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly based on age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. This policy will be applied equally to all employees irrespective of their background or membership of a particular group.
- 5.3 In addition, in line with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) Part 3, the Council is committed to ensure that employees are not disadvantaged or discriminated against by virtue of their trade union membership in the application of this policy.
- 5.4 The application of this policy will be subject to an equality impact assessment to ensure that it does not discriminate either positively or negatively in relation to the above groups either directly or indirectly. The Council will regularly review this policy's impact on any equality and diversity issues, and will identify any inequalities by monitoring and will take appropriate action where necessary.

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