

Grievance Policy

Waverley aims to maintain a high performing staff team to deliver excellent services to the community through fair, equitable and consistent treatment of staff.

If an employee has a grievance, and attempts to resolve the matter informally have not been successful, the employee concerned can raise a grievance via this Grievance procedure.

This Policy meets the requirements of the following legislation: Employment Rights Act 1996, Employment Relations Act 1999 and Employment Act 2008 and acknowledges the recommendations in the ACAS Code for Grievances at Work.

NB: There is a separate Policy for Collective Grievances.

GRIEVANCE PROCEDURE

1. INTRODUCTION

Grievances are uncertainties, complaints or problems about work that concern staff sufficiently that they feel the need to raise the concern(s) with their employer.

Waverley endeavours to resolve any grievance informally and as soon as possible.

Waverley recognises its statutory responsibilities in relation to grievances at work and recognises the value of having in place an effective and speedy grievance procedure that provide all employed with the right to seek redress for grievance relating to their employment (see paragraph 2.1 below for details of matters that are not covered by these procedures).

To that end, Waverley follows the practical guidance set out by the Advisory, Conciliation and Arbitration Services (ACAS).

The aim of Waverley's procedure, the details of which are set out below, is to settle the grievance promptly, fairly and as near as possible to the point of origin.

The approach to resolving grievances includes the overriding principle that a manager may not be involved in determining a grievance if it reaches the formal stage, if they are directly or indirectly involved. In that event, appropriate alternative arrangements to deal with the grievance should be agreed with the employee raising the grievance together with, if appropriate, their representative.

2 THE PROCEDURE

2.1 Informal

Where an employee is aggrieved on any matter relating to their employment (other than action under the disciplinary procedure or the job evaluation, or grading of his/her post or his/her position on the pay scales, for which there are separate appeals procedures) they should discuss the matter with their immediate line manager.

The line manager should reply orally to the grievance as soon as possible and, in any case, within seven days. (At that stage the Line Manager may wish to consult with the Head of Service, Director and/or Human Resources representative as appropriate). The employee should be informed that they have the right to take the grievance to the next (formal) stage. If the employee is not satisfied that the line manager has responded fairly and reasonably to the grievance, they may raise the matter as a formal grievance.

2.2 Formal

At all stages of the formal procedure the following will apply;-

Representation - The employee has the right to be accompanied by a Trade Union Representative (if the employee is a member of a trade union) or another work colleague of their choice at any formal grievance hearing.

Human Resources – The Director (or their designated representative) should consult their HR Business Partner once a grievance reaches the formal stage.

Staff Side – The HR Business Partner will inform Staff Side of grievances once the formal stage is reached.

Appeals – There will be no appeals stage outside of Waverley but there may be a right to refer the matter to the Employment Tribunal Service where it has not been possible to reach a resolution internally.

2.3 First Stage

If the employee is dissatisfied with the reply, they may then raise the matter with their Head of Service (or, in their absence, their designated representative). This should be done in writing within 10 working days of the reply, setting out the details of the grievance and why the line manager's informal response was not satisfactory.

Alternatively the employee may wish to report the grievance to their Staff Side Representative in order that the matter can be raised jointly with Staff-Side involvement or by the Staff-Side Representative acting on the employee's behalf.

The Head of Service (or, in their absence, their designated representative) should arrange to meet with the employee and, if appropriate, the employee's representative at the earliest opportunity at a mutually agreed time.

The Head of Service (or, in their absence, their designated representative) should reply to the grievance in writing as soon as possible and, in any case, within ten working days of the meeting. If it is not possible, for reasons of carrying out further investigations or seeking advice, to respond to the grievance within that time, a holding reply must be sent within five days which gives an indication of when a final response will be received.

2.4 Second Stage / Appeal

If the employee continues to be dissatisfied with the reply, the employee can write to their Director within ten working days of the reply, outlining the reason(s) why grievance will then be considered by the Director (or their designated representative) and the Strategic Head of HR (or their designated representative).

The employee, and representative if appropriate, will be invited to attend an appeal meeting as will those officers who have considered the grievance at the first formal stage. Both parties will be given the opportunity to explain their conclusions from the first stage meeting. The appeal meeting will be held at the earliest opportunity at a mutually agreed date for all parties involved.

Ordinarily this would be the end of the grievance procedure. However, where there are points of principle, an employee may wish to go to the final stage of this procedure.

2.5 Final Stage

However if an employee who has raised the grievance remains dissatisfied and if in particular broader points of principle are involved, efforts would be made to resolve the matter on behalf of the employee who has raised the grievance, through the machinery of the Joint Consultative Committee or alternatively with trade union (s) involved.

In a response to a request from Staff Side and if it is considered appropriate to deal with the matter in this way, the Chief Executive and the Strategic Head of HR will meet with Trade Union representatives. The aim will be to reach an agreement on the issues related to the grievance and any changes that may be necessary to redress the particular situation or to avoid a similar circumstance(s) in the future. The employee who raised the grievance would be notified in writing of the outcome of any such meeting.

Exceptionally and where it is agreed that an important issue(s) of principle arises, both parties may agree that the conciliation services of ACAS should be employed.

3 WHERE EMPLOYMENT HAS ENDED (MODIFIED PROCEDURE)

Where employment has ended and an ex-employee is aggrieved about any matter relating to their employment, they should submit a written statement to the Strategic Head of HR who will carefully consider the statement, consulting other officers, if appropriate. The Strategic Head of HR will respond in writing within 10 working days. If the issues raised are complex and it is not practicable to respond within 10 working days, a letter will be sent explaining this and a timescale will be provided for a formal response.