

# Grievance Policy & Procedure



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# Grievance Policy & Procedure

For resolving employee concerns, problems and complaints at work.

This Policy should be read in conjunction with the Behavioural Standards in the Workplace Guidance.

## 1. Introduction

The Grievance Policy, Procedure and Guidance have been developed to ensure that employees, managers and companions are clear about their individual roles and responsibilities for raising and resolving grievances in the workplace.

Anyone working for the Authority may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to discuss. It is also clear that it is in the Authority's interest to resolve problems before they can develop into major difficulties for all concerned.

Where the problems or concerns relate to perceived unacceptable behaviour, this policy should be read in conjunction with the Authority's [Behavioural Standards in the Workplace Guidance](#). The guidance defines unacceptable behaviour and identifies strategies that everyone can use to overcome the debilitating effects of such behaviour.

This policy and procedure has been developed in line with ACAS Code of Practice 1 - Disciplinary and Grievance Procedures which came into force on 11 March 2015.

## 2. Definition

A grievance is a concern, problem or complaint that an employee raises with the Authority.

Issues that may cause a grievance include:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment
- organisational change
- discrimination

## 3. Scope

This procedure applies to all employees of Carmarthenshire County Council excluding those on the compliment of locally managed schools. It does not cover collective disputes or disciplinary matters. Employees raising a concern under the Public Interest Disclosure Act should refer to the Whistleblowing Policy. Employees raising a concern about post grading should refer to [Grievances Relating to Post Grade](#).

## 4. General Principles

Grievances should be raised at the earliest opportunity after the incident or issue arises and every effort made by the employee and his/her line manager to work at resolving the concerns promptly and informally where possible and appropriate. This approach has many advantages as it enables early and effective resolution and minimises disruption at work. The aim is to resolve concerns and improve working relationships at the earliest opportunity.

All parties are expected to take concerns seriously, recognise their own contribution to the situation and work towards a positive and constructive resolution. Concerns will be considered impartially and fairly, and resolved by implementing appropriate remedial action promptly.

Where a grievance cannot be resolved at the informal stage an employee can progress his/her concerns to the formal stage of the Grievance Procedure. At all formal stages of the procedure the employee will have the right to be accompanied by a companion. A companion may be a trade union representative or official<sup>1</sup> or a work colleague.

If an employee is unable to put the grievance in writing (for example because of a disability or difficulty with expressing themselves in writing) support should be offered to enable him/her to formulate a written grievance or an alternative means of stating their grievance should be considered. For example, an employee may seek help from a trade union official or work colleague.

If the employee is unable to attend a formal grievance meeting s/he must advise of the reasons as soon as possible. If the reason is outside the employee's control and unforeseeable at the time the meeting was arranged (e.g., illness), another meeting will be arranged. If the Trade Union representative or work colleague cannot attend, another date can be arranged, provided it is not more than 7 calendar days after the original date. If it is decided to proceed with a formal grievance meeting without the employee being present, s/he should be given the opportunity of sending a representative to attend the meeting on his/her behalf or to make written representations which can be considered at the meeting.

Where an employee has not been notified of the decision following either of the meetings as defined in point 6, the employee may appeal to the next stage of the procedure.

If, in the course of any disciplinary process, an employee raises a grievance, the Departmental Director or his/her representative must consider whether it is appropriate to temporarily suspend the disciplinary process in order to deal with the grievance. Where the disciplinary and grievance cases are related it may be appropriate to deal with both concurrently. The suspension should not be unnecessarily protracted and should allow for

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<sup>1</sup> The TU representative who is not an employed official of a trade union must hold written certification from their Union that they have experience of or have received training in acting as a companion. This may take the form of a card or letter.

the grievance to be dealt with as quickly as possible. Advice should be sought from the People Management (PM) HR Team and reference made to the ACAS Guide.

Where a grievance concerns more than one employee in the same department the Collective Disputes Procedure will apply. The Grievance Procedure relates specifically to individual and distinct grievances.

The Grievance Procedure directly applies to an individual and as such the existing terms and conditions of the aggrieved employee will be protected until the grievance procedure has been exhausted, (this is not meant to imply that a change is certain to take place) except where this would constitute a hazard, or where statutory obligations apply. The above clause will also not apply in situations where changes are made to working arrangements and the change is in line with contracts of employment or job profiles such as a change of base for example.

Employees and managers must be allowed a reasonable time in which to prepare for a grievance meeting, therefore, in some circumstances, the timescales referred to in the procedure can be extended by mutual agreement.

Occupational Health Support may be offered to employees involved in grievance investigations and meetings. Please contact the PM HR Team for advice.

Line Managers, Investigating Officers and Grievance Hearing Panel members must consider disabled employees' needs during the process and make reasonable adjustments as necessary. For example, ensuring that locations have appropriate access, written information is provided in a suitable format, etc.

## 5. Roles and Responsibilities

The following is provided as guidance only. There may be circumstances which require different roles and responsibilities. All officers who are likely to be involved at informal stages or grievance hearings should be provided with appropriate training and/or support. Please contact the PM HR Team for advice.

**People Management (PM).** To ensure consistency, the PM HR Team will provide advice at every stage of the procedure and will monitor and report on the application of the Policy. The PM HR Team will also be responsible for ensuring that written records are retained on personal files for the appropriate period and following the principles of Data Protection legislation.

**Employees** should raise their grievance promptly usually with their line manager, clearly explaining the problem or concern and suggesting how it can be resolved at the informal stage, where appropriate. When explaining the grievance employees are reminded to stick to the facts and avoid subjective or inflammatory comments. Employees are encouraged to work with their line manager to try and resolve their grievance informally to maintain positive working relationships. Where the grievance relates to alleged unacceptable behaviour the employee must refer to the Authority's [Behavioural Standards in the](#)

[Workplace Guidance](#)'. If the grievance relates to the employee's line manager then the employee should raise their concern with the next managerial level.

**Line Managers** are usually responsible for dealing with the grievance raised by the employee. The line manager is responsible for acting promptly, clarifying the grievance raised, establishing the facts and confirming decisions to the employee (with advice from the PM HR Team). The line manager should take care to listen to the grievance in a calm, fair and objective manner and explore all reasonable options for informal resolution, where appropriate. Where the grievance relates to alleged unacceptable behaviour the employee must refer to the Authority's '[Behavioural Standards in the Workplace Guidance](#)'. If it is considered inappropriate for the line manager to examine the grievance another manager may take the lead (Please speak to the PM HR Team for advice). Any written records held by the manager should follow the principles of Data Protection Act legislation.

**Companion.** An employee may be accompanied at all formal stages of this procedure by a companion which may be a trade union official or representative<sup>2</sup>, or a work colleague. Please see [Role of the Companion](#) **Appendix A**.

## 6. Raising a Grievance – Informal Procedure

Complaints should be resolved informally, quickly and sensitively whenever this is possible.

Employees who believe they have been subject to, have witnessed or are alleged to have behaved inappropriately should refer to the [Behavioural Standards in the Workplace Guidance](#). This guidance explains the Authority's view regarding the standards of behaviour that employees have a right to expect and are expected to show to others. It also illustrates how to identify and deal with unacceptable behaviour.

Every effort should be made by the employee and the line manager to try and resolve the grievance informally. **The employee should therefore discuss the matter with his/her line manager in the first instance.** Where an employee has a grievance against their line manager, the employee should raise the matter informally at the next managerial level.

If an employee has difficulty explaining their grievance because of language or other difficulties then they are encouraged to seek help from a trade union representative or official, another employee or a HR Advisor.

## 7. Raising a Grievance – Formal Procedure

### Stage 1

Every effort and intention will be made to resolve complaints and concerns at the informal stage as inevitably this produces better and more sustainable outcomes for all concerned.

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<sup>2</sup> The TU representative who is not an employed official of a trade union must hold written certification from their Union that they have experience of or have received training in acting as a companion. This may take the form of a card or letter.

There may however be occasions where the incident or issue cannot be resolved informally then depending upon the circumstances the employee may raise the grievance formally and in writing to the next managerial level by completing the [Formal Grievance Procedure Form Appendix B](#).

Where an employee has a grievance against their line manager and the grievance has not been resolved satisfactorily at the informal stage at the next managerial level, the employee should raise the matter formally with the Head of Service.

Where an employee has a grievance against the Chief Executive, the employee should raise the matter in writing with the Monitoring Officer.

The Manager/Head of Service must acknowledge receipt of the formal grievance within 14 calendar days. The Manager/Head of Service (or nominated representative) should invite the employee to at least one meeting at a reasonable time and place so the grievance can be discussed. This should take place as soon as possible and the employee should take all reasonable steps to attend.

The outcome of the meeting should be notified in writing to the employee within 14 calendar days.

## **Stage 2**

If the employee is not satisfied with the outcome, s/he may raise the grievance formally and in writing with the Assistant Chief Executive (People Management) within 14 calendar days of receipt of the Manager/Head of Service's (or nominated representative's) formal decision. This should be done by completing the [Formal Grievance Procedure Form Appendix B](#). The Assistant Chief Executive (People Management) must acknowledge receipt of the formal grievance within 14 calendar days.

The Assistant Chief Executive (People Management) will invite the employee to at least one stage 2 meeting at a reasonable time and place so the grievance can be discussed. The stage 2 grievance will be considered by a Director (or their nominated representative) and a member of the Executive Board. The meeting should be held at a reasonable time and place. This should take place as soon as possible and the employee should take all reasonable steps to attend.

The decision at the stage 2 meeting will be final and should be notified to the employee within 14 calendar days.

## **8. Grievance Meetings**

During a grievance meeting, the employee should be allowed to explain their complaint and say how they think it should be settled. If necessary, the Officer chairing the grievance meeting may wish to adjourn to enable him/her to gather further information or obtain advice. A date for a re-convened meeting will be agreed at that time if possible. See guidance for managers on [how to conduct a grievance meeting Appendix C](#).

Following the meeting, a written response should be sent to the employee within 14 calendar days.

## **9. Grievances from employees who have left or leave the Authority during the Procedure**

Wherever possible a grievance should be raised and dealt with before an employee leaves employment. However if an employee lodges a grievance after leaving his/her employment then the Authority is under no obligation to hear the grievance.

In these circumstances, line managers are advised to seek advice from the PM HR Team.

## **10. Keeping Records**

Written records must be kept throughout the grievance process, including:

- The nature of the grievance
- What was decided and actions taken
- The reasons for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

Records should be retained on the employee's personal file.

Records should be treated as confidential and kept in accordance with Data Protection legislation.

If an employee is represented by a Trade Union official or work colleague, copies of grievance meeting notices, meeting notes, response letter, etc. will be sent to that person, unless the employee advises otherwise in writing.

## **11. Training and Support**

All Officers involved in the grievance process should receive appropriate support and training. This will be provided as part of a Corporate Learning & Development Programme. Contact the PM Learning & Development Team for further information

## **12. Monitoring this Policy and Procedure**

The application of this policy and procedure will be monitored by People Management. All departments must ensure that they advise People Management of all formal and informal grievances raised.

## **13. Ensuring Equality of Opportunity**

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this policy and procedure.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the PM HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

**If you require this publication in an alternative format please contact People Management on Ext 6184 or email**

**[PMBusinessSupportUnit@carmarthenshire.gov.uk](mailto:PMBusinessSupportUnit@carmarthenshire.gov.uk)**



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| <b>The Role of Companion during the Disciplinary and Grievance Process</b> |
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**Introduction**

1. Employees who raise a grievance or who are the subject of the Authority's disciplinary procedure are entitled to be accompanied at appropriate stages of the procedure (see procedure for details).
2. Employees must be advised of this right and given the appropriate time to locate and brief a companion.
3. The companion will receive copies of all correspondence, reports etc., relating to the disciplinary or grievance process unless the employee indicates otherwise.

**When does the right apply?**

4. Employees have the statutory right to be accompanied by a companion where the disciplinary meeting could result in:
  - a formal warning being issued to the employee (i.e. a warning that will be placed on the employee's record);
  - the taking of some other disciplinary action (such as demotion or dismissal) or other action; or
  - the confirmation of a warning or some other disciplinary action (such as an appeal hearing).
5. Employees have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the employee, for example, if there is a breach of legislation or a contract term.
6. Informal discussions, counselling sessions or investigatory meetings do not attract the statutory right to be accompanied. Meetings to investigate an issue are not disciplinary meetings. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal meeting at which the employee will have the statutory right to be accompanied.
7. The Authority will however extend the right to request to be accompanied to an employee who is the subject of an informal investigation provided this does not unduly delay the process.

**Who can be a companion?**

8. The companion may be:
  - a work colleague
  - an official employed by a trade union
  - a workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings. Certification may take the form of a card or letter.
 Unless there are exceptional circumstances, only one companion will be allowed at a hearing.

9. Employees may ask an official from any trade union to accompany them at a disciplinary or grievance hearing, regardless of whether the union is recognised or not. However, where a union is recognised in a workplace, it is good practice for employees to ask an official from that union to accompany them.
10. Work colleagues or trade union officials do not have to accept a request to accompany an employee, and they should not be pressurised to do so.

### **What is a reasonable request?**

11. When choosing a companion an employee should bear in mind that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest. Nor would it be reasonable to ask to be accompanied by a colleague from a geographically remote location when someone suitably qualified is available on site. The request to be accompanied does not have to be in writing.

### **Training and time off for acting as a companion**

12. Trade unions should ensure that their officials are trained in the role of acting as an employee's companion. Even when a trade union official has experience of acting in the role, there may still be a need for periodic refresher training.
13. A worker who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the hearing and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the worker before and after the hearing. A lay trade union official is permitted to take a reasonable amount of paid time off to accompany a worker at a hearing, as long as the worker is employed by the same employer. In cases where a lay official agrees to accompany a worker employed by another organisation, time off is a matter for agreement by the parties concerned.

### **Applying the Right**

14. The authority should allow a companion to have a say about the date and time of a hearing. If the companion cannot attend on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than seven calendar days after the original date.
15. Before the hearing takes place, the employee should tell the authority who they have chosen as a companion. In certain circumstances (for instance when the companion is an official of a non-recognised trade union) it can be helpful for the companion and a representative from the authority to make contact before the hearing.
16. The companion should be allowed to address the hearing in order to:
  - put the employee's case

- sum up the employee's case
  - respond on the employee's behalf to any view expressed at the hearing.
17. The companion can also confer with the employee during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The authority is, however, not legally required to permit the companion to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it, or to prevent the authority from explaining their case.
  18. In the same way that employers should cater for a worker's disability at a disciplinary or grievance hearing, they should also cater for a companion's disability, for example providing for wheelchair access if necessary.
  19. Employees should not be disadvantaged for using their right to be accompanied or for being companions.

**FORMAL GRIEVANCE PROCEDURE**

THIS FORM **MUST** BE COMPLETED AT EACH STAGE OF THE PROCEDURE. PLEASE INDICATE WHICH STAGE IS BEING INVOKED.

**GRIEVANCE TO BE CONSIDERED AT STAGE 1 / 2 \*** \* delete as appropriate

Please complete all sections of Part A when registering a formal grievance. Where possible, please arrange for the form to be typed or use capital letters.

|  |  |              |       |
|--|--|--------------|-------|
| <b>PART A</b>  | <b>TO BE COMPLETED BY THE EMPLOYEE</b> |              |       |
| Name   | _____                                  | Job Title    | _____ |
| Department   | _____                                  | Section      | _____ |
| Employee No.   | _____                                  | Location     | _____ |
| Your Contact Tel No.   | _____                                  | Line Manager | _____ |
| Please outline the nature of the grievance (using no more than 2/3 sentences)  |  |              |       |
|  |  |              |       |
| Please provide full details of the grievance including dates wherever possible. (if necessary continue on a separate sheet of paper). Copies of any relevant documents that relate to the grievance should also be attached. |  |              |       |
|  |  |              |       |
| If the grievance relates to unacceptable behaviour please refer to the behavioural standards guidance in the first instance.   |  |              |       |
| I confirm that I have followed the above guidance prior to submitting this formal grievance  |  |              |       |
| Please circle  |  |              |       |
| Yes  |  |              |       |
| No   |  |              |       |
| Not applicable   |  |              |       |

In accordance with the Grievance Procedure you have the right to be accompanied at the Grievance Meeting by a trade union representative or suitable work colleague.

If being represented by a Trade Union, please provide the following details :-

Name of Trade Union

Name of TU Rep or companion

Contact Tel. No.

What outcome are you seeking to resolve your grievance?

SIGNED

DATE

**PART B TO BE COMPLETED BY THE DEPARTMENT**

DATE RECEIVED

RECEIVED BY

JOB TITLE

## **Preparing for a Formal Grievance Meeting – Guidance for Managers**

### **Extract from ACAS Guide – Discipline and Grievances at Work**

#### **What is a grievance meeting?**

In general terms a grievance meeting deals with any grievance raised by an employee.

#### **Preparing for the meeting**

Managers should:

- arrange a meeting promptly, in private where there will not be interruptions e.g. telephones should be diverted and mobile phones switched off
- consider arranging for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said
- whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment.
- consider arranging for an interpreter where the employee has difficulty speaking English
- consider whether any reasonable adjustments are necessary for a person who is disabled and/or their companion
- consider whether to offer independent mediation.

#### **Conduct of the meeting**

Managers should:

- remember that a grievance hearing is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution.
- make introductions as necessary
- invite the employee to re-state their grievance and how they would like to see it resolved
- put care and thought into resolving grievances. They are not normally issues calling for snap decisions, and the employee may have been holding the grievance for a long time. Make allowances for any reasonable 'letting off steam' if the employee is under stress
- consider adjourning the meeting if it is necessary to investigate any new facts which arise
- sum up the main points
- tell the employee when they might reasonably expect a response if one cannot be made at the time, bearing in mind the time limits set out in the organisation's procedure.

### **Be calm, fair and follow the procedure**

Grievances can sometimes be taken as personal criticism – managers should be careful to hear any grievance in a calm and objective manner, being as fair to the employee as possible in the resolution of the problem.

Following the grievance procedure can make this easier.

### **Grievances about fellow employees**

These can be made easier by following the grievance procedure and the Behavioural standards in the workplace guidance '[Behavioural Standards in the Workplace Guidance](#)'

An employee may be the cause of grievances among his or her co-employees – perhaps on grounds of personal hygiene, attitude, or capability for the job.

Employers must deal with these cases carefully and should generally start by talking privately to the individual about the concerns of fellow employees. This may resolve the grievance.

### **Dealing with special cases**

Whistleblowing cases will be dealt with under the Authority's [Whistleblowing policy and Procedures](#).

The same grievance raised by one or more employee from the same department will be dealt with under the Authority's [Collective Disputes Policy](#).

Clearly confidentiality is of prime importance when handling any such grievance, although the outcome may need to be made known if, for instance, someone is found to have bullied or harassed an individual and the result is disciplinary action.