

Grievance Policy

Version 1.1 March 2010



1. Policy statement

- 1.1 Camden Council aims to be an organisation that employees want to join, enjoy working in, and are proud to contribute to. However, we understand that from time to time employees may become concerned about issues at work which affect them personally and conflict results.
- 1.2 The Council aims to encourage all of its employees and managers to resolve these issues at work quickly and informally, through open communications and as close to the source as possible.
- 1.3 This Grievance policy provides an overview of our approach. It should be read in conjunction with the accompanying [Grievance procedure](#). Supplementary guidance is available on Camden Essentials.
- 1.4 This policy and associated documentation supersede the Grievance policy & procedure (November 2005).

2. Policy scope

- 2.1 The policy applies to all permanent and fixed-term employees of the Council.
- 2.2 The following types of grievance and work concerns will not be dealt with under this policy:
 - Grievances about matters subject to collective bargaining
 - Appeals against recruitment decisions
 - Appeals against job-grading decisions
 - Appeals against ring-fencing or redundancy selection (see the [Organisational change procedure](#))
 - Complaints raised in the context of formal disciplinary action (see appeals in the [Disciplinary procedure](#))
 - Grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative.
 - Concerns over suspected breaches of the law (see the confidential whistle blowing line, where issues can be raised anonymously on 0800 374199). See further information on Essentials. For example, this Grievance policy should not be used where there is a suspicion of:
 - A criminal offence (for example, if you believe fraudulent activity is taking place)
 - Non-compliance with legal obligations (for example, if you believe the Council is acting in breach of environmental regulations)
 - A miscarriage of justice
 - Danger to health and safety, or
 - Damage to the environment.
 - Work concerns about matters outside the Council's control, such as tax, national insurance, changes in the law, cannot be addressed using this policy and procedure.
 - Where there is a complaint about non-compliance with a procedure, and an appeal is provided for under the relevant procedure, that appeal provision

should be used

Nothing in this list of exclusions will preclude the employee from raising a grievance with justification if s/he believes s/he has been the subject of an unlawfully discriminatory act.

- 2.3 Grievances raised after employment has ended will not be heard, however in exceptional cases for example where the concern relates to the safe guarding of children and vulnerable adults, the possibility of a modified grievance procedure will be offered. This allows the grievance to be managed by written correspondence without the requirement for a meeting and will not include the right of appeal.

3. Key principles

The main principles that underpin our approach are:

- 3.1 Employees are encouraged to speak to each other and talk to their manager and raise and settle any concerns that may arise as a matter of course as part of every day working relationships.
- 3.2 Employees should aim to settle work issues informally with their manager as quickly and as close to their source as possible before seeking resolution via the formal grievance procedure. Informal processes include offering the use of conflict resolution tools as mediation.
- 3.3 Managers should try to understand an employee's work concern, by giving careful consideration to the issues raised and the impact it has on the individual, and explore possible resolutions.
- 3.4 Where an informal approach has not resolved the concern, the matter can be dealt with by following the formal stages of the grievance procedure.
- 3.5 Any formal grievance will be dealt with fairly, consistently and as quickly as possible. The use of mediation will be offered to both parties to consider, where appropriate.
- 3.6 Managers will always consider the diversity context of their decision making before any final decision is reached, making sure that decisions are objectively taken and are non discriminatory.
- 3.7 The Grievance procedure is complementary to the use of performance improvement tools, including the provision of appropriate encouragement, advice, counselling or guidance, as well as coaching, training and development to address issues that arise.

4. Responsibilities

4.1 Employee's responsibilities:

- to raise concerns at an early stage.
- to seek to resolve work concerns promptly with their line manager on an informal basis in the first instance.
- to consider the possibility of mediation where appropriate.

4.2 Manager's responsibilities:

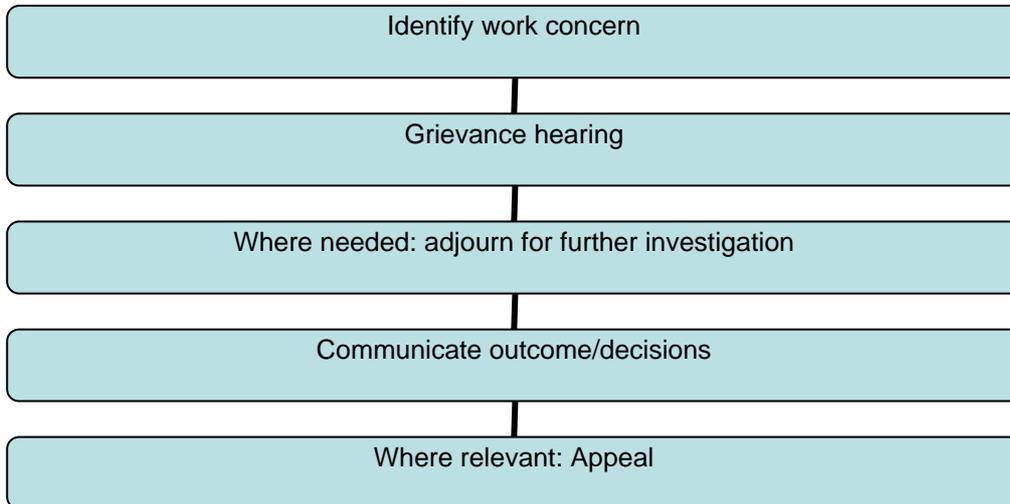
- to seek to resolve work concerns promptly without unreasonable delays as close to their source as possible, using an informal approach.
- to consider possibility of mediation where appropriate.
- to keep the employee informed of progress through out the process
- to consider the diversity context of their decision making, seeking further advice where appropriate
- to ensure that grievances involving possible discriminatory actions are approached with due sensitivity with regard to dignity at work and other legislative provisions.
- to ensure solutions are implemented swiftly to ensure fair dispute resolution; minimising disruption to service delivery; reducing stress and impact on individual and team performance

5. Definitions

Grievances	Concerns, problems or complaints that employees raise with their employer via the formal procedure
Mediation	A voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. It does not necessarily need to result in the complaint to be resolved in it's entirety, but that a workable agreement is developed and honoured by all parties. Mediation can only be considered where parties voluntarily agree to participate.
Companion	At some meetings, like an investigation meeting, the employee may choose to bring a trade union representative, a representative from an internally self organised employee group or a work colleague. The companion will not be allowed to speak on the employee's behalf, but may ask for clarification on questions asked.
Representative	At formal grievance or appeal hearings, the employee may be represented by a trade union representative, a representative from an internally self organised employee group or a work colleague. The representative will be allowed to address the hearing to put and sum up the case, respond on behalf of the employee to any views expressed at meeting and to confer with the employee during the hearing. Representatives do not have the right to answer any questions on the employee's behalf, address the hearing without the employee's permission or prevent the manager from explaining their findings.

Compromised	In cases where the grievance is against the line manager (respondent), it may be necessary to identify another manager at the same level to hear the grievance as an independent party. Where a complaint relates to the Dignity at Work Policy (or any other policy which relates to protection against unlawful discrimination i.e. race, sex, disability or age discrimination or bullying and harassment) the line manager is usually considered compromised.
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6. Summary of Grievance procedure



7. Supporting documents

This policy is supported by the [Grievance procedure](#), outlining the process to be followed in practice. Where relevant, further documents as guidelines, forms, templates, letters and Q&A's are listed within the Grievance procedure to support the effective implementation of this policy.

8. Relevant Legislation

- Employment Act 2008
- Employment Rights Act 1996
- ACAS Code of Practice on disciplinary and grievances procedures 2009
- Disability Discrimination Act 1995 (as amended in 2005)
- Employments Relations Act 1999
- Employment Equality (age) Regulations 2006
- Employment Relations Act 1998
- Data Protection Act 1998
- Equality Act 2010
- For guidance: Disciplinary and grievances at work: the Acas guide2009

9. Relevant other policies

- Dignity At Work policy
- Camden's Equality policy – Tackling Inequality
- Managing Individual Performance
- Understanding Disability in Employment – Guidelines for managers

10. Policy ownership & effective dates

Policy owner:	Policy & Innovation, Camden HR
Approving body:	Executive Member - Personnel
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