

UPDATE TO GRIEVANCE POLICY

To: General Purposes Committee

Meeting Date: 1 July 2014

From: LGSS Director of People, Transformation and Transactions

Electoral division(s): All

Forward Plan ref: N/A **Key decision:** No

Purpose: To give an outline of the updated grievance policy and recommended changes to appeal stages.

Recommendation: The Committee is recommended to approve the updated grievance procedure, attached at Appendix 1, for immediate implementation.

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1. BACKGROUND

- 1.1 The Grievance Policy has been in its current format since 2008. It reflects the employment approach at that time for very detailed defined policies and guidance.
- 1.2 Feedback from service managers suggests that the current approach does not support the quick and efficient resolution of issues – that it is overly bureaucratic, has too many stages and goes beyond ACAS recommendations.
- 1.3 LGSS HR has developed a draft policy (attached at **Appendix 1**) which has been shared and discussed in full with the trade unions to address these concerns. The main changes are detailed in section 4.

2. MAIN ISSUES

2.1 Current grievance procedure

The current grievance procedure is structured as follows:

Stage	Description
Informal stage	An employee raises an issue informally with his/her line manager
Stage one Formal grievance	An employee will raise a formal grievance if he/she considers that an issue has not been satisfactorily dealt with at the formal stage. The formal grievance is conducted by an independent manager
Stage two Formal grievance review	Conducted by another independent manager who will consider if a grievance has been dealt appropriately and that the outcome of stage one was appropriate.
Stage three Grievance appeal	Heard by the Service Appeals Sub-Committee

3. SERVICE CONCERNS ABOUT THE CURRENT POLICY

Services and managers that have experience of working with the current grievance procedure have raised a number of concerns about the current process – these are briefly summarised below.

3.1 Number of stages/resources involved

Having 4 steps to the process (the informal stage and 3 formal stages) makes the grievance procedure potentially a lengthy and time consuming process.

In 2013/2014, there were 28 grievance cases across the organisation. The majority of grievance cases in 2013 took more than 3 months to resolve with a number of cases taking more than 7 months to reach resolution. Service managers report that the longer a grievance goes on the more likely all parties become entrenched in their positions, and it is therefore more difficult to repair any damage that has been done to the working relationship in the meantime. Feedback from services is that the grievance process is not

always proportionate to the seriousness of the issue it is being used to address.

The current process is resource heavy with 3 managers from across the organisation, 2 HR Advisors, the Head of HR Advisory and 3 elected members involved in a grievance which progresses through all four stages. It is difficult to quantify the numbers of days of work that is involved, as these will be different in each case, but these are significant at each of the stages of the procedure. Time is spent both conducting an investigation of the issue and preparing the paper work currently required e.g. writing a detailed investigation report and compiling evidence packs.

There is a lack of definition between the formal stages. Although the procedure states that formal stages 2 and 3 are not a rehearing of the original grievance in practice this is often what takes place.

3.2 Tone

Feedback from service managers is that the tone of the current grievance procedure is very formal for example it refers to formal grievance investigations and evidence packs. This may put off employees from raising a grievance and ultimately results in issues not being resolved.

3.3 Focus on procedure

There is a lot of emphasis on the process that should be followed. This can lead to a loss of focus on resolving the original issue – parties are instead concerned with getting the procedural aspects of the grievance right.

3.4 Restrictive timescales

The current procedure has defined timescales for every part of the process - feedback from service managers is that this can be overly prescriptive and inflexible.

3.5 Roles and ownership

The procedure refers all grievance cases being referred outside of the employing service for a formal investigation by an independent manager. This can make it time consuming and takes the responsibility for resolving a grievance away from the employee's line manager. Services report that the responsibility for resolving an issue is effectively taken out of their hands.

4. **MAIN CHANGES PROPOSED**

LGSS HR have developed an improved and streamlined policy to address these issues in consultation with trade unions.

4.1 Streamline and shorten the process

It is proposed to reduce the number of steps in the process from 4 to 3, an informal stage, a formal stage and a procedural appeal. Each of these steps now has a more clearly defined and distinct purpose. For example the procedural appeal specifically considers if the grievance procedure has been

correctly applied. This is more in line with best practice and ACAS guidelines on the number of stages necessary.

4.2 Ownership

The updated procedure refers to line managers dealing with the formal stage of the grievance procedure. This gives managers the right to resolve a grievance quickly rather than referring all cases to an independent manager. There remains an option where necessary to refer cases to an independent manager, primarily in cases where there is a clear conflict of interest or the line manager is in some way implicated. Allowing line managers to handle grievance cases locally, where possible, will reduce the number of formal investigations and aims to resolve issues at a lower level without the need to refer cases upwards.

4.3 Tone and terminology

The wording of the document intends to make the procedure less off putting to both managers and employees. The grievance procedure is presented as a structured way to resolve and move on from an issue, rather than a way of apportioning blame. Terminology is less formal for example instead of investigation the procedure refers to fact finding. The informal stage has been renamed direct resolution to reflect this being an opportunity to resolve an issue through one to one discussion.

The updated procedure clearly explains that vexatious grievances are taken seriously and makes it clear that misuse of the grievance process is unacceptable.

4.4 Less prescriptive timescales

The rewritten policy still emphasises the need to resolve a grievance in a timely manner however there are more flexible timescales given – for each stage there is a suggested timescale rather than fixed deadlines for actions.

4.5 Mediation

The updated policy states that both parties should be offered the chance to undertake mediation at any stage of the process particularly before an informal grievance is raised formally. Mediation is an effective way to resolve a dispute with an independent person helping both parties come to an agreement. To resource this approach the HR Advisory team has recently undertaken mediation training – therefore this service is now offered at no external cost as was previously incurred.

4.6 Streamlined documentation

Information is presented in one place, a combined policy and procedure document. This removes separate guidance for managers and employees and makes the procedure simpler to understand.

There has been discussion of all of these changes with our recognised non-teaching trade union via Corporate Joint Panel meetings. The trade unions are fully supportive of a shorter and less formal process that addresses the concerns of their members more effectively. The trade unions were also clear

that managers should be trained to ensure that they undertook their responsibilities effectively especially if one of the appeal stages was removed.

5. MEMBER INVOLVEMENT

- 5.1 The current procedure refers grievance appeals to Councillors at the fourth stage (Service Appeals Sub-Committee made up of 3 elected members). It is proposed that this stage is removed to shorten the grievance process and ensure that the appeal stage is heard by a more senior manager within the employing service. This change does not impact upon appeals against dismissal, which remain as heard by Councillors.
- 5.2 This approach, along with other proposed changes, places the emphasis on the employing service taking ownership for resolution of the grievance. The grievance appeal will be considered by a manager with practical experience of the service delivery and employment issues surrounding the grievance. This approach is in line with the overall intention of reducing the formality of the grievance procedure and supports the aim of achieving timely resolutions that support service delivery.
- 5.3 Hearing additional grievance appeals is potentially not an effective use of resources. The time involved convening the Service Appeals Sub-Committee and the requirement for senior management support to the staff appeals committee (who are currently advised by the Head of HR Advisory) is significant.

6. ALIGNMENT WITH CORPORATE PRIORITIES

6.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

6.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

6.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

7. SIGNIFICANT IMPLICATIONS

7.1 Resource Implications

The main resource implication is the reduction in officer time spent dealing with grievance cases. The changes to the grievance procedure do not represent a change to employees existing terms and conditions of employment.

7.2 Statutory, Risk and Legal Implications

An employee could potentially raise an employment tribunal claim against the Council if a grievance is not handled appropriately and relates to a potential breach of employment law.

7.3 Equality and Diversity Implications

An employee's grievance could potentially relate to direct or indirect discrimination as defined by the Equality Act.

7.4 Engagement and Consultation Implications

There are no significant implications within this category.

7.5 Localism and Local Member Involvement

There are no significant implications within this category.

7.6 Public Health Implications

Unresolved issues/grievances can potentially impact on an employee's absence and overall wellbeing. There are also potential links between grievances and overall morale within the affected team.

Source Documents	Location
<i>Existing Grievance Procedure</i>	Box No: SS1040 The Octagon, Shire Hall, Cambridge CB3 0AP Camweb [County Council intranet]