

# HUMAN RESOURCES & PERFORMANCE



## ANNEX 2

### GRIEVANCE POLICY, PROCESS and GUIDANCE

#### CONTENTS

- 1 Policy
  - 2 Scope
  - 3 Process
    - 3.1 Stages
    - 3.2 Raising a grievance
    - 3.3 Outcome
  - 4 Manager responsibilities
  - 5 HR&P responsibilities
  - 6 Employee responsibilities
  - 7 Relevant legislation and key PDNPA policies
- Process chart
- 8 Guidance for managers
    - 8.1 What is a grievance?
    - 8.2 How to deal with a grievance
    - 8.3 What should a manager do if an employee raises a formal grievance?
    - 8.4 How to arrange grievance meetings
    - 8.5 Who hears a grievance?
    - 8.6 Process to be followed at grievance meetings
    - 8.7 Decisions
    - 8.8 Note-taking
    - 8.9 Right to be accompanied
    - 8.10 Record keeping
  - 9 Guidance for staff
    - 9.1 What is a grievance?
    - 9.2 Resolving a grievance informally
    - 9.3 When and how do I progress to the formal stages?
    - 9.4 Preparing for a formal grievance meeting
    - 9.5 Right to be accompanied
    - 9.6 I'm a witness — what does this mean?
    - 9.7 Who hears my grievance?
    - 9.8 Stage one meeting
    - 9.9 Stage two meeting
    - 9.10 Decisions
    - 9.11 Note-taking
    - 9.12 Record keeping

APPROVED AT ..... MEETING, ON .....DATE.....

## GRIEVANCE POLICY

### **1 Policy**

- 1.1 The Peak District National Park Authority (PDNPA) is committed to establishing a fair and equitable working environment. It is recognised that problems sometimes arise during work and the grievance policy exists to help resolve them. The grievance process provides a mechanism for individuals to resolve any problems or concerns about their work, working environment or working relationships where other routes have not been successful.

### **2 Scope**

- 2.1 The Disciplinary Policy applies to all established PDNPA employees excluding those covered by Chief Officers' terms and conditions of employment.

### **3 Process**

- 3.1.1 There are 3 stages:

Stage One - This is the informal stage of the procedure at which an employee raises an issue of concern with the appropriate manager. Most grievances are considered by an employee's line manager. It is hoped that raising the issue with the manager will enable the matter to be fully considered and hopefully resolved. If the grievance is resolved at this stage, the written grievance, together with a note stating how it was resolved, must be sent to Human Resources & Performance (HR&P), for the purpose of monitoring.

Stage 2 - If an employee is not satisfied with the outcome of the grievance at Stage 1 then they may take the grievance to stage 2. At this stage the grievance must be formally raised *in writing* (email, memo or letter) by the employee. The grievance will usually be considered by a more senior manager than at Stage 1, advised by a member of staff from HR&P.

Stage 3 - If an employee is not satisfied with the outcome of the grievance at Stage 2 then they may take the grievance to stage 3 if there is a more senior manager to hear the grievance. The grievance will usually be considered by a more senior manager than at Stage 2, advised by a member of staff from HR&P.

- 3.1.2 Stage 3 is the final stage of this policy. There is no further internal right of appeal beyond the grievance process

### **3.2 Raising a Grievance**

- 3.2.1 An employee who thinks they may have a grievance should discuss the problem with their line manager (or other appropriate manager) to try and reach a solution informally.

- 3.2.2 Grievances are usually submitted to a line manager. In some circumstances it may be appropriate to submit a grievance to another manager. HR&P can advise on this.
- 3.2.3 All formal grievances must be raised in writing and, if possible, should set out the outcome the individual is looking for, e.g. an apology. Where the issue has not been resolved at an earlier stage, the grievance should explain why the employee is dissatisfied with the outcome so far.
- 3.2.4 After receiving a formal grievance, the appropriate manager will arrange a meeting, usually within 5 working days, to discuss the matter. Where the grievance has progressed beyond Stage 1, the manager who previously considered the grievance may also be asked to attend the meeting to answer questions.
- 3.2.5 During any stage of the procedure it may be possible to resolve the grievance without a formal meeting (e.g. through delegating action to be taken or through mediation). If this is agreed by the employee they will receive written notification of the action taken and a copy of the notes taken at that stage.
- 3.2.6 The employee has the right to be accompanied by a trade union official or a PDNPA work colleague (in accordance with statutory provisions) but not an external friend, relative or solicitor.
- 3.2.7 Copies of any papers, names of any witnesses and witness statements which either side intend to rely on at a meeting should be provided at least 2 full working days in advance (more depending upon the volume of documents). They should be sent to all parties simultaneously.
- 3.2.8 Notes of meetings will be taken and kept in accordance with the Data Protection Act. These notes will be copied and circulated to the relevant parties, who must also ensure confidentiality and secure retention.

### 3.3 Outcome

- 3.3.1 The manager hearing the grievance can decide to do one of the following:
- (i) dismiss the grievance;
  - (ii) uphold the grievance (in full or part);
  - (iii) find an alternative solution that is mutually acceptable that resolves the grievance.
- 3.3.2 All decisions should be confirmed in writing within 5 working days, setting out the reasons. In exceptional circumstances, a holding letter can be sent explaining the reasons for a different timescale.

## 4. **Manager responsibilities**

- 4.1 To ensure HR&P are informed of all grievances, whether formal or informal, for monitoring purposes.
- 4.2 To seek advice from HR&P after receiving a formal grievance.
- 4.3 To consider an employee's grievance in a fair and reasonable way.
- 4.4 To take equality and diversity issues into account.

- 4.5 To ensure documents are provided in a timely way.
- 4.6 To ensure notes are taken of any meeting relating to a grievance.
- 4.7 To maintain confidentiality of all information.

## **5. HR&P responsibilities**

- 5.1 To give advice and guidance to managers and employees on how the policy works.
- 5.2 To organise meetings at Stage 2 and 3 and send out paperwork in good time.
- 5.3 To give professional advice at Stage 2 and 3 meetings.
- 5.4 To monitor cases and provide management information.
- 5.5 To maintain confidentiality of all information.

## **6. Employee responsibilities**

- 6.1 To try to resolve their grievance at the lowest level.
- 6.2 To submit a formal grievance in writing
- 6.3 To tell any witnesses s/he wants to rely on of the need to submit a written statement and/or attend a grievance meeting.
- 6.4 To ensure documents are provided in a timely way.
- 6.5 To maintain confidentiality of all information.

## **7. Relevant Legislation and Key PDNPA Policies**

Work and Families Act 2006  
Equality Act 2006  
Employment Rights Order 2006  
Employment Relations Act 2004  
Employment Act 2002  
Disability Discrimination Act 2005  
Age Discrimination Act 2006  
Data Protection Act 1998  
Trade Union and Labour Relations (Consolidation) Act 1992  
PDNPA Joint Performance and Achievement Review process  
PDNPA employment policies  
PDNPA Comprehensive Equality Policy (particularly Equality in Employment)

## GRIEVANCE PROCESS

