



Down District Council

Grievance Policy

14 December 2010

1.0) INTRODUCTION

This document sets out Down District Council's Grievance Policy and supersedes any previous Grievance Policies which may have existed.

1.1) AIMS

1.1.1 The aims of the Policy are to:

- ensure statutory compliance.
- promote orderly employment relations.
- facilitate employees seeking redress of grievances relating to their employment.

1.2) SCOPE

1.2.1 The grievance policy and procedures applies to all employees of the Council (apart from the Chief Executive to whom separate procedures apply) including those on temporary and fixed term contracts or subject to a probationary period.

1.2.2 The grievance policy and procedures will be used to deal with employment issues which constitute or are liable to constitute a source of grievance to an employee(s), for example, terms and conditions.

1.2.3 Where a grievance relates to 2 or more employees this policy may be used, however, this policy should not be used to deal with matters which are subject to the normal collective bargaining mechanisms where a recognised trade union is involved.

1.2.4 These procedures do not apply where:

1.2.4.1 The employee is no longer employed, neither of the procedures has been commenced and, since the employee ceased to be employed, it has ceased to be reasonably practicable for the employee to take Step 1 of the procedures.

1.2.4.2 The employee wishes to complain about the actual or threatened dismissal.

1.2.4.3 The employee raises a concern as a "protected disclosure" in compliance with the provisions of the Public Interest Disclosure (NI) Order 1998.

1.2.4.4 The employee wishes to complain about (actual or threatened) action short of dismissal to which the standard disciplinary procedure applies, unless the grievance in that this involves unlawful discrimination or is not genuinely on the grounds of capability or conduct

1.2.5 This policy is not intended to deal with bullying, harassment, whistle blowing, recruitment and selection decisions and pay and grading. Details and advice on the relevant policy to be followed are available from Human Resources if required.

1.2.6 The application of the grievance policy and procedures may be modified where it is deemed appropriate to the resolution of a particular grievance.

1.2.7 In the most exceptional of cases the application of the grievance policy and procedures may be varied where the circumstances justify this, for example, where there are reasonable grounds to

believe that by doing so this would result in a significant threat such as violent, abusive or intimidating behaviour, or, that this would result in further harassment.

1.2.8 Where agreement on arrangements is provided for in this policy and such agreement cannot be reached between the Council and an employee, the Council retains the right to proceed as it sees appropriate and justifiable in the circumstances.

1.3) PRINCIPLES

1.3.1 Employees will be provided with every opportunity to explain their grievance and provide any supporting evidence.

1.3.2 Employees have the right to be accompanied at grievance and appeal hearings by a work colleague, local trade union representative or an accredited trade union official. (Refer to Section 4 of the Grievance Procedures – The Right to be Accompanied for further information).

1.3.3 No decision will be reached until the grievance has, as far as is possible, been fully considered.

1.3.4 Employees will be provided with an explanation of the outcome of their formal grievance.

1.3.5 An employee has the right to appeal against a formal grievance decision.

1.3.6 The appropriate training will be provided to Council employees and maintained to enable them to perform their roles sensitively and effectively.

1.4) TIMESCALES

1.4.1 All reasonable steps will be taken to promptly complete the procedure, consistent with the need to be thorough. Therefore, where possible, deadlines set out in the procedures will be adhered to. The reason for any deviations will be explained and revised timescales notified in writing to the employee.

1.5) SPECIAL CIRCUMSTANCES

1.5.1 The provisions of the Disability Discrimination Act 1995 will be taken into account with regard to making reasonable adjustments when dealing with grievance cases (e.g. alternative formats, alternative ways of raising a grievance, right to be accompanied at and arrangements for hearings).

1.5.2 The Council will endeavour to accommodate any reasonable requests in terms of accessibility to either this document and/or in the implementation of the procedure e.g. alternative formats where English is not an employee's first language.

1.5.3 Employees should provide details of any requirements above in advance to Human Resources.

1.5.4 Any special arrangements as far as is reasonably practicable will be made for handling grievance matters among employees who work shifts, employees in isolated locations or depots or others who may be difficult to reach.

1.6) STOPPAGE OF WORK

1.6.1 It is accepted that there will be no stoppage of work or restrictions of any kind whilst the grievance is being dealt with under this policy. The status quo will be maintained subject to the needs of services provided and consultation between the Council and the employee(s).

1.7) CONFLICT OF INTEREST

1.7.1 Where the employee believes there is a potential conflict of interest, for example, the nominated officer (formal stage), he/she must bring this to the attention of Human Resources at the earliest opportunity.

1.7.2 Equally where the Grievance Officer or Human Resources believes a potential conflict exists, for example, witnesses, it will bring this to the attention of the aggrieved employee at the earliest opportunity.

1.7.3 Both the Council and the employee must clearly demonstrate that the involvement of such individuals would conflict with the need for natural justice.

1.8) THE ROLE OF HUMAN RESOURCES

1.8.1 A member of Human Resources will be in attendance at all meetings associated with formal grievance and appeal hearings. However, in some circumstances, Human Resources/Trade Union Representative may be involved at the informal stage at the request of the employee (as per Section 1 of the Grievance Procedures).

1.8.2 The role of the Human Resources representative is to provide advice and assistance to the employee, nominated officers and maintain management records of proceedings and ensure adherence to policies and procedures.

1.8.3 All correspondence/documentation issued to employees during the formal procedure will be issued by or through Human Resources. All notes must be legible.

This policy supersedes all previous grievance policies in operation within Down District Council with effect from 14 December 2010 and is applicable to all Down District Council Employees.

This policy should be read in conjunction with the Grievance Procedure which is available on the Council's intranet and in paper format from the Human Resources Team.

Equality Impact Assessment

This Policy has been assessed under Down District Council's Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998.