

## **Personnel Committee**

**26 April 2012**

### **Grievance Procedure**

#### **Report of the Director of Human Resources & Organisational Development**

##### **1.0 Purpose of the Report**

1.1 The purpose of this report is to propose a new grievance procedure for Sunderland City Council (attached as Appendix 1).

##### **2.0 Description of Decision (Recommendations)**

2.1 It is recommended that the new grievance, proposed by the Director of Human Resources and Organisational Development, be approved.

##### **3.0 Introduction/Background**

3.1 ACAS has revised its Code of Practice on disciplinary and grievance procedures and employers are expected to comply with the principles set out in the Code. An employment tribunal is required to take the Code into account when considering relevant cases. Where there has been an unreasonable failure by either party to comply with the Code the tribunal may increase or decrease compensation by up to 25%, depending on which party is at fault.

3.2 As the Council continues to develop the Sunderland Way of Working, it is important that our policies and procedures support and enable change. Therefore, the Council's current procedure has been revised to meet the requirements of the Council and its values, its employees, and ensure compliance with the ACAS Code of Practice.

3.3 In summary, the ACAS Code of Practice identifies five key stages when handling a grievance.

- If a grievance cannot be resolved informally, the employee should raise the matter formally, in writing, and without unreasonable delay.
- A meeting should be held with the employee to discuss the grievance.
- The employee should be allowed to be accompanied at the meeting.
- The manager should decide on the appropriate action and communicate the decision in writing, without unreasonable delay.
- The employee should be allowed to appeal and the appeal should be held without unreasonable delay.

##### **4.0 Current Position**

4.1 In summary the Council's current grievance procedure consists of the following stages:

- Informal Stage – employee tries to resolve the grievance informally.
- Formal Procedure Stage 1 – Grievance Hearing heard by the Line Manager.
- Formal Procedure Stage 2 – Grievance Appeal is heard by the Head of Service.

- Formal Procedure Stage 3 – Grievance Appeal is heard by the Executive Director/Chief Officer.
- Formal Procedure Final Stage – Grievance Appeal is heard by the Appeals Panel. This decision is final.
- Raising a grievance after Employment.

4.2 The current procedure mandates very short timescales for managers to respond and arrange meetings when a grievance is submitted. These timescales are difficult to adhere to, which can lead to further problems resulting from unrealistic expectations.

4.3 With 4 formal stages, the current grievance procedure is lengthy, resource intensive and does not support a timely resolution of issues or complaints. The vast majority of grievances are not resolved at stage 1. Unless the grievance is upheld, the employee does not normally accept the decision at this level of management and therefore grievances regularly progress through the stages.

## **5.0 Reasons for the Decision**

5.1 It is proposed that the Council adopts the attached proposed grievance procedure as it meets the requirements of the ACAS Code of Practice and streamlines the process. In addition it fits with the Council's values, by retaining the appropriate levels of decision making at a senior level within the Organisation, to ensure fair and positive employee relations are maintained.

5.2 In summary the proposed procedure consists of the following stages:

- Informal Stage - It is proposed that the role of the manager in the new procedure should be focused upon resolving the grievance informally wherever possible. The availability of mediation is also highlighted in this section to encourage the informal resolution of issues.
- Formal Stage 1 (The Grievance Hearing) - It is also proposed that Stage 1 of the formal procedure is heard by the Head or Service, or someone nominated by them, alongside a representative from Human Resources and Organisational Development (HR&OD).
- Formal Stage 2 (The Grievance Appeal) - It is proposed that Stage 2 of the formal procedure (the Appeal) is heard by the relevant Chief Officer, alongside a representative from HR&OD. The decision at Stage 2 will be final.

5.3 The proposed procedure does not include set timescales for responding. Instead it mirrors the language of the ACAS Code of Practice in that responses must be provided by managers without unreasonable delay. The requirement for issues to be dealt with in a timely manner remains an important principle when managing grievance cases.

5.4 It is also proposed that a similar process for dealing with collective grievances should be introduced. A collective grievance is a grievance raised on behalf of a number of employees and is fairly common. Currently there is no specific procedure for dealing with such issues other than the collective disputes procedure which is often inappropriate for the majority of cases.

5.5 The revised ACAS code has removed the requirement to have a procedure for dealing with grievances from ex-employees. The Council's revised procedure does not, therefore, include a process for this. It is proposed that a representative from HR&OD, alongside the relevant Head of Service will consider how the Council will respond to any grievance received in these circumstances on a case by case basis.

## **6.0 Next Steps**

6.1 If the new procedure is agreed, the Council will communicate widely with employees by using the Manager's Briefing process, the Council's Intranet and it will also inform the Trade Unions that the change is agreed.

6.2 All new grievances will be dealt with under the new procedure. In relation to ongoing grievances, each HR Adviser allocated to a grievance will review its current stage and determine how their grievance will continue. Wherever possible and appropriate to do so, the HR Adviser will transfer the grievance to be dealt with under the appropriate stage of the new procedure.

## **7.0 Alternative Options**

7.1 Alternative options were considered. One option would be to retain the current procedure; however, this option would not address the current problems being experienced. Other amendments to the current process were considered but it was decided that these would not deliver the improvements required. In addition the procedure proposed meets the requirements of the ACAS Code of Practice.

## **8.0 Impact Analysis Equalities**

8.1 An equality analysis assessment was undertaken as part of changing the procedure. The analysis did not identify any adverse issues that may arise as part of introducing these changes.

## **9.0 Financial Implications/Sunderland Way of Working**

9.1 There are no financial implications associated with this proposal. The new procedure works in accordance with the Sunderland Way of Working by making the process more efficient whilst retaining the appropriate level of decision making.

## **10.0 Consultation**

10.1 Relevant Trade Unions have been consulted with about the proposed new procedure. Comments received from the formal consultation process will be tabled for consideration by the Committee.

10.2 The Executive Management Team has been consulted on this new procedure.

