

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ITEM FOR STAFFING COMMITTEE**

**15 August 2016**

**1. GRIEVANCE POLICY AND PROCEDURE**

**Submitted by:** Executive Management Team

**Portfolio:** Policy, People and Partnerships

**Purpose of the Report**

To obtain the Committee's approval to adopt the Grievance Policy and Procedure.

**Recommendation**

**That the policy detailed at Appendix B be approved.**

**1. Background**

A recommendation by the Employee Consultative Committee on 26 February 2016 was to review the current Grievance Procedure.

ACAS has revised its Code of Practice (March 2015) 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.

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.

**1.1 Current Procedure**

1.1.1 The Council's current procedure was updated in June 2009 (Appendix A) in consultation and agreement with the Trade Unions, to include the Status Quo and a revised policy in line with the previous ACAS Guidance on Discipline and Grievance at Work.

1.1.2 There are four stages in the current grievance procedure which 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 and therefore grievances regularly progress through the stages.

1.1.3 It currently allows the use of a modified procedure this is no longer included in the ACAS Code of Practice and therefore should not be used unless the employment has ended. All employees have the right to appeal against any decision.

1.1.4 The Status Quo currently only applies when there is a collective grievance and not for individual grievances when there is a change to an employee's terms and conditions of employment.

## 1.2. New Procedure

1.2.1 There are three stages to the procedure (Appendix B) which is line with the Code of Practice, a three step process; informal, formal and right of appeal. It encourages the use of the Managing Conflict Policy in the first instance and the effective use of mediation to resolve disputes. Its aim is to resolve issues promptly and fairly and is designed to promote positive working relationships.

1.2.2 The policy will apply to Council employees including Chief Officers except for the Chief Executive which falls within the scope of JNC's for Chief Executives.

1.2.3 The policy clarifies the meaning of applying the Status Quo to collective grievances and individual grievances where there is a proposed change to an employee's terms and conditions of employment or changes to working practices. No change will be made to the relevant terms and conditions of employment or changes to working practices until the agreed grievance procedure has been exhausted.

1.2.4 It gives every employee the right of appeal.

1.2.5 The joint trade unions have been consulted on the proposed new policy and procedure and their comments have been incorporated and agreed.

## 2. **Aims of the Policy**

2.1 The overall aim of the proposed policy and procedure is to provide the Council with a robust mechanism to deal with such issues promptly, fairly and as closely as possible to the point of origin. It is designed to promote and maintain positive working relations.

## 3. **Issues**

3.1 At its meeting on 11 July 2016, the Employees Consultative Committee recommended that the Policy and Procedure be adopted.

## 4. **Legal and Statutory Requirements**

4.1 It is important that the council's policy on Grievance reflects current best practice and ensures the council fulfils its obligations in accordance with the statutory legislation.

**5. Equality Impact Assessment**

- 5.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer.

**6. Financial and Resource Implications**

- 6.1 None

**7. Major Risks**

- 7.1 None identified.

**8. List of Appendices**

Appendix A –Current Grievance Procedure  
Appendix B – New Grievance Policy and Procedure

**9. Earlier Committee Resolutions**

Employees Consultative Committee – 11 July 2016