



West Yorkshire  
Fire & Rescue Service

# Grievance Procedure (Green & Grey)

HRPOL036A

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## SECTION A: Individual Employee Grievance Policy and Procedure

### 1 Policy

#### 1.1 Aims

The aim of the policy is to provide a flexible, transparent process for addressing grievances with the full and active participation of the employee and their line manager, and, where required, Human Resources and Trade Unions.

#### 1.2 Key principles

A grievance is essentially a complaint by an employee about action which his/her employer has taken or is contemplating taking in relation to him or her.

Examples of issues that may cause grievances include:

- Terms and conditions of employment (excluding pay)
  - Health and Safety
  - Working Relationships
  - Bullying and Harassment
  - Working Practices
  - Working Environment
  - Organisational Change
  - Discrimination
- 
- If the grievance relates to inappropriate behaviour such as harassment or bullying, the guidance which is contained in the Dignity & Respect Policy and Procedure should be referred to. This is available on the Corporate Diversity WY Firespace site.
  - If a member of staff has an individual grievance relating to his/her employment, he/she should express it in writing.
  - In circumstances where a grievance may apply to more than one person it may be more appropriate for the problem to be resolved through collective agreements between the respective Trade Union and West Yorkshire Fire and Rescue Service.
  - The timescale for raising a grievance is within 3 months of the act that the grievance is about, unless otherwise agreed. It is nevertheless important that employees raise issues as soon as they feel aggrieved.
  - The intention is that grievances should be settled quickly and fairly and at the earliest possible stage of the process
  - Line managers should use these procedures consistently and proactively. The aim is to help employees to resolve issues in the workplace.

- The focus of the process is resolution rather than retribution. It is recognised that there may, nevertheless, be some issues which need to be referred to other procedures, including the disciplinary procedure.
- The process used to resolve grievances is based on the principles of equality and dignity at work.
- Employees will have access to support and advice throughout the process from a range of people including the Human Resources team, Corporate Diversity Team and appropriate Trade Union.
- Employees have the right to be accompanied by a representative (which could either be a Trade Union representative or fellow employee) at any meetings in relation to their grievance.
- All staff have a right to appeal to a more senior manager against a decision made by their supervisor/line manager.
- Where grievances are about serious problems such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, then the appropriate corporate level of the Authority shall be involved in the appeal.
- The senior manager shall seek to resolve the grievance by mutual agreement in consultation with other members of staff involved, seeking advice from Human Resources where appropriate.
- All staff involved have the right to receive detailed information of the procedural stage of the grievance from Human Resources and a right to guidance on the procedures.
- Once a final decision through the grievance and appeals procedure has been made the case is closed unless there is a significant change of circumstances or evidence. The same complaint cannot be raised again under the procedure.
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## 2 Procedure

### 2.1 Scope of the procedure

These procedures apply to all WYFRS employees who are employed under Grey and/or Green book terms and conditions of employment

The following procedures are designed for staff who wish to express a grievance relating to their employment.

### 2.2 Representation

All employees have a right to be accompanied by a Trade Union representative or a work colleague at the stages identified within the procedure. Both the Authority and the Trade Unions wish to encourage the use of informal mechanisms, including 'one to one' meetings and mediation between the employee and their supervisor to resolve any problems at an early stage. Such meetings do not preclude the employee seeking advice in advance from their Trade Union, HR Business Partner or line manager.

If an employee wants to be accompanied at the formal stages of the procedure by a Trade Union representative or work colleague it is the employee's responsibility to inform the employer who they have chosen to represent them. Once appointed, the employee should notify their line manager or HR Business Partner of their choice to enable co-operation regarding arrangements. It is the employee's responsibility to invite their chosen representative to any meetings in relation to the grievance.

## **2.3 Withdrawal of a grievance**

An employee may at any time withdraw their grievance by advising, in writing, the person dealing with their grievance.

## **2.4 Individual Grievance Procedure**

The individual grievance procedure is intended to cover the range of concerns, problems and issues which individuals may raise with their employer. It fulfils the statutory requirements, which are set out in the annexes to the ACAS Code of Practice on Grievance and Disciplinary Procedures.

Grievances will normally be raised with the line manager unless involved (or unless they do not have the authority to make decisions in relation to the grievance), and then referred to another independent manager at the required level of authority.

Every attempt will be made to settle a grievance promptly, however this may not always be possible because of the need to make further enquiries. Where there is a delay in addressing a grievance it will usually mean that the current situation will prevail until the complaint is finally resolved, unless this is not practicable. This must not be used by any party to frustrate working practices. Any delay in addressing a grievance should be communicated in writing by the investigating manager to the employee stating the reason for the delay and when the investigation will resume.

It is the responsibility of the employer to ensure that grievances are heard fairly, consistently, speedily and at the appropriate level. This procedure is available to all employees. Employees should be encouraged to seek assistance when setting out their grievance (for example from representatives of recognised unions).

Where a grievance involves difficulty in reconciling work and caring responsibilities, managers shall make every effort, subject to the requirements of the service, not to implement any proposed change until the grievance has been resolved.

## **2.5 Overview of the procedure**

The procedure contains 2 stages; local / informal resolution (informal stage), formal review and hearing (formal stage). In addition there is a right of appeal with the formal process.

### **2.5.1 Informal Stage**

Where a member of staff has a grievance, they should first endeavour to resolve the matter by direct approach to the relevant line manager/supervisor involved, where appropriate. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee may approach that person's manager or another manager at the same level of authority.

At this stage consideration should be given to mediation as a way of resolving the issue by the appropriate manager.

If the grievance is not resolved satisfactorily at this stage, the employee can then submit a grievance form and proceed to the formal stage of the procedure.

## 2.5.2 Formal Stage

If, after any action taken to resolve the grievance informally, as detailed above, has proved to be unsuccessful then the matter should be raised in writing with the appropriate level of management. This should be done using form [HRFRM242 Grievance Statement](#) :

- The Statement should clearly state the facts of the case with background and other appropriate information, stating the reasons for the grievance;
- A copy should be passed to the manager concerned and a personal copy retained by the employee. A copy of the Grievance statement will also be sent to the Corporate HR Manager who will ensure that timescales and procedures are adhered to;
- The employee should state what they feel the resolution of the grievance should be;
- If the matter goes to a second stage, a hearing, the first statement should be updated with appropriate detail;
- Human Resources staff are available to support and advise at all stages of the process.

As required under the Equality Act 2010 in relation to disability employers must make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves. Managers should ensure that meetings are not convened on religious festivals and Holy Days.

On receiving a formal grievance, a manager will invite the employee to a meeting which should be held within 14 days of receipt of the grievance, and inform them that they have the right to be accompanied by a representative (which could be either their trade union representative or a work colleague).

The manager should agree a convenient time and place for the meeting with the employee. It is important that the meeting is not interrupted and that the employee feels their grievance is being treated seriously and in confidence. If an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than seven days after the date originally proposed by the manager. This seven-day time limit may be extended by mutual agreement.

The employee will be given the full opportunity to explain their complaint and say how they think it should be resolved. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations. The manager should give the grievance careful consideration before responding.

Where the manager who would normally deal with the grievance cannot be available within the required timescales, another manager should be appointed to hear the grievance.

The manager should respond in writing to the employee's grievance within 7 days of the initial meeting (unless further investigations are required in which case a timescale will be agreed between both parties) explaining the reason for their decision and will let the employee know of their right of appeal against the manager's decision if they are dissatisfied with the decision.

### 2.5.3 Right of Appeal

If an employee is dissatisfied with the outcome of the grievance they can appeal the decision. Any appeal must be submitted in writing to the manager, including their grounds for appeal, within 7 days of receiving the written decision.

The appeal will be heard by a manager at a more senior level who has the authority to review and overturn the original decision. This level of authority may depend on the nature of the decision e.g. whether it simply involved application of existing policy or was a decision introducing or changing policy. The appeal hearing will be heard within 7 days but this can be varied by mutual agreement where circumstances prevent this arrangement

As with the previous stages, the employee should be given a written decision and explanation on their appeal within 7 days of the appeal hearing.

The decision of this hearing shall be final and there will be no further right of review. However, in serious cases of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, will (where the matter remains unresolved) require a further hearing to be conducted by the corporate level of the employing authority which is appropriate to the issue. For example, the appropriate level will be that which both appreciates the wider importance and significance of the issue and has the authority to deal with it.

## 2.6 Keeping records

It is important, and in the interests of both parties, to keep written records during the grievance process. Records should include:

- the nature of the grievance raised;
- a copy of the written grievance
- the managers response;
- action taken;
- reasons for action taken;
- whether there was an appeal and, if so, the outcome; and
- subsequent developments.

When meeting minutes are taken, copies of these should be given to the employee. In certain circumstances (for example to protect a witness) some information may be withheld.

## 2.7 Special considerations

Where either the Authority, or the recognised trade union, determine that the matter is a collective issue, it may, at any stage, be transferred to SECTION B 'Collective Grievance Policy and Procedure'.

## 2.8 Mediation

Mediation is especially effective when used at the initial phase of any disagreement, before conflict escalates in the workplace. An early intervention can prevent both sides from becoming entrenched, and the difference turning into a full-blown dispute or formal grievance. If the disagreement is resolved early on, there is less chance of the working relationship breaking down irretrievably. This improves the likelihood of maintaining good and productive employment relations in the longer term.

There are a number of qualified workplace mediators with WYFRS. WYFRS Mediation Policy is available on WY Firespace [HRPOL037](#). For further information or an informal confidential discussion about the benefits of mediation instead of resorting to a grievance and the processes involved employees may contact their Trade Union Representative or a member of the HR Department.

If, following an attempt at mediation the workplace issues remain unresolved, this does not affect an employee's rights to then raise a grievance.

## 2.9 Other legal considerations

The ACAS statutory Code of Practice on discipline and grievance provides basic practical guidance to employers, employees and their representatives and sets out principles for handling disciplinary and grievance situations in the workplace.

Individuals also have the right to raise very serious grievances under the provisions of the Public Interest Disclosure Act 1998 (more commonly referred to as 'whistle-blowing'). This Act provides protection to employees who raise concerns about certain kinds of wrongdoing in accordance with its procedures.

## SECTION B: Collective Grievance Policy and Procedure

### 1 Scope of the procedure

These procedures apply to all WYFRS employees who are employed under Grey and/or Green book terms and conditions of employment

The following procedures are designed for employees who wish to express a collective grievance relating to their employment.

### 2 Introduction

A collective grievance is a grievance raised on behalf of two or more employees by a nominated representative. A nominated representative will be a member of a recognised Trade Union or one employee elected to raise the grievance on behalf of colleagues not belonging to a Trade Union. Employees using this procedure must be aware that they cannot then use the individual Grievance Procedure for raising the same issue.

At each stage, possible methods of mediation or conciliation should be considered.

### 3 Representation

All employees have a right to be accompanied by a Trade Union representative or a jointly appointed work colleague at the stages identified within the procedure. Both the Authority and the Trade Unions wish to encourage the use of informal mechanisms, including meetings between the employees and their supervisor to resolve any problems at an early stage. Such meetings do not preclude the employees seeking advice in advance from their Trade Union, HR Business Partner or line manager.

If the employees want to be accompanied at the formal stages of the procedure by a Trade Union representative or jointly appointed work colleague it is the employees responsibility to inform the employer who they have chosen to represent them.

### 4 Procedure

#### 4.1 Informal stage

In the first instance every effort should be made to resolve a grievance informally. A collective grievance should, in the first instance be raised with the employees' line manager or other manager who is most likely to be able to resolve the issues raised. Where the grievance is not able to be resolved informally the employees may then move to the formal procedure.

## 4.2 Formal stage

The first stage of the formal collective grievance procedure is for the group of employees concerned to put the complaint in writing. This should be done using form [HRFRM215 Collective Grievance Form](#). The written statement will form the basis of any subsequent hearing and investigations.

The grievance should be sent to the appropriate line manager and the HR Manager, the grievance must:

- Identify who the employees are who wish to raise the grievance
- Identify any nominated trade union representative or colleague who will be representing the group
- State that all named employees have voluntarily consented to use the collective grievance procedure
- Confirm that all employees concerned understand that the grievance will give each of them the right to only one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.
- If the group of employees wish to submit individual grievance forms, each of the forms must contain the information set out above

If the complaint relates to the line manager, the collective grievance may be sent to the HR Manager only who will nominate someone of suitable seniority to hear the grievance.

Depending on the nature of the grievance further attempts may be made to resolve the matter informally.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by the group of employees. If any evidence is gathered in the course of these investigations the employees will be given copies of such in advance of any hearing.

## 4.3 The Grievance Hearing

The hearing will be held as soon as is reasonably practicable but should be held within 14 days of receipt of the collective grievance. The hearing will be conducted by the line manager, or more senior manager if appropriate and attended by a HR representative in an advisory capacity.

At the Hearing, the employees' representative (or spokesperson) will be asked to explain the nature of the complaint and what action they feel is required to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

Should the collective grievance involve a large number of employees, the Authority will specify how many employees will be entitled to attend the hearing on behalf of the group.

Following the Hearing, all colleagues involved in the collective grievance will be informed in writing of the outcome within 7 working days and informed of any action that the Authority proposes to take as a result of the complaint.

## 4.4 Appeal

If employees are dissatisfied with the outcome of the collective grievance they can appeal the decision. Any appeal must be submitted in writing to the manager, including their grounds for appeal, within 7 days of receiving the written decision.

The appeal will be heard by a manager at a more senior level who has the authority to review and overturn the original decision. This level of authority may depend on the nature of the decision e.g. whether it simply involved application of existing policy or was a decision introducing or changing policy. The appeal hearing will be heard within 7 days but this can be varied by mutual agreement where circumstances prevent this arrangement

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