

Grievance Procedure

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These guidelines are to provide helpful information to assist the management of grievance issues and are not intended to amount to legal advice.

1. Introduction

This Procedure should be read in conjunction with the Grievance Policy.

2. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

3. Definitions

Grievance

A grievance is a concern, problem, or complaint that an employee or former employee raised by an employee regarding their work, working conditions, or relationship with other colleagues.

Grievances can be raised individually or collectively.

Grievance Manager

For the purposes of this procedure the 'Grievance Manager' is defined as the line-manager except in cases where this procedure is being instigated by a director or Head of Service (Tier 1 and 2) in which case the 'Grievance Manager' will be the Chief Executive.

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Usually, the Grievance will be heard by the Line Manager. If the Grievance is raised against the Line Manager, an alternative Manager will be used, nominated by the Director or Head of Service. If a Grievance is raised by a director or Head of Service, the Chief Executive will hear the Grievance, the Chief Executive may also appoint another senior employee in their place.

Hearing Manager

Employees

In this procedure references to employees will be taken to include references to current employees and employees who raised a grievance before their last day with the Authority.

Unlawful Discrimination, Harassment and Victimisation

The definitions set out in the Equality and Diversity Policy will apply to grievances in relation to perceived acts of unlawful discrimination, harassment and victimisation.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

Bullying may take the form of physical, verbal and nonverbal conduct and may include for example picking on someone or setting him or her up to fail or making threats or comments about someone's job security without good reason.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.

A single incident can be bullying if it is sufficiently serious.

4. Raising grievances informally

If an employee has a grievance or complaint they should, wherever possible, start by talking it over with their manager to try and agree a solution informally. Part of resolving the grievance informally may include support such as mediation or facilitated meetings to discuss the concerns in order to provide a satisfactory outcome.

Grievances should be raised as soon as possible after the event or incident complained of. In all circumstances grievances should be raised within 6 months unless exceptional circumstances exist which justify a departure from this.

Where an employee feels unable to speak to their manager for example because the complaint is about them, they should speak informally to a more senior manager or a

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member of the HR team.

Where informal discussion does not resolve the grievance the formal procedure (as set out below) should be followed.

5. Formal Written Grievances

Written grievances should be headed “Formal Grievance” and detail the nature of the complaint as well as the outcome being sought. The employee/s must provide any evidence and state relevant witnesses in the written grievance.

Once the above has been received, the Grievance Manager will provide an acknowledgement of the grievance in a timely manner and advise the employee on the next steps.

Individual grievances

If an employee’s grievance cannot be resolved informally, they should put it in writing and submit it to their line manager or where appropriate a more senior manager (“the Grievance Manager”). If the employee’s grievance is against their line manager, they can submit the grievance to their relevant HR Representative.

If the Grievance Manager receives a document that looks like a formal grievance, but it is not in that format, the employee should be asked if they want to follow the formal Grievance Procedure and asked to provide the necessary information.

The Grievance Manager should clarify with the employee aspects of the grievance which may be unclear before any meeting takes place.

Collective grievances

Where an identical grievance is made by two or more employees (collective grievance) and all employees agree, a joint written grievance can be submitted. This should be headed “Formal Collective Grievance” and must: -

- detail the nature of the grievance and the outcome being sought.
- identify the individuals who wish to raise the grievance.
- identify any nominated trade union representative or colleague to represent them all.
- state that all have voluntarily consented to use the collective grievance process and.
- confirm that everyone understands that the grievance will give each of them the right to only one collective grievance meeting and outcome, and (if applicable) appeal meeting and outcome

If it is not agreed, separate grievances will apply.

Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full Grievance Meeting.

If the issue is proceeding to a full Grievance Meeting the employees should be informed and an explanation given of what will happen next.

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Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance.

In any circumstance where both the grievance and disciplinary procedures apply in relation to the same facts it may be appropriate to deal with both matters together. This decision will be made by the Grievance and/or Disciplinary Manager.

Any false or malicious complaints raised by an employee will be taken very seriously and will be managed under the Disciplinary Policy.

6. Investigation/Fact-finding

As part of the formal process the Grievance Manager will determine the most appropriate means of investigation to include conducting their own investigation or appointing an internal or external investigator depending on the circumstance. In all cases guidance should be sought from the relevant HR Manager before making this decision.

Reasonable notice will be given to all parties subject to the fact-finding process. Any invite to an investigation meeting (either as the employee affected, the employee the grievance is raised against or a witness) should be issued with at least 7 days' notice.

This will be a fact-finding meeting with both the employee who raised the grievance, witnesses, and subjects. The investigation required will depend on the nature of the allegations and will vary from case to case. It may also involve collecting documentation from and taking statements from the employee, the subject of the complaint and any other relevant witnesses.

Employees will not normally have the right to be accompanied at an investigative interview. However, in exceptional circumstances where an employee needs extra support, the investigating officer with approval from HR may allow the employee to bring a companion who is not a work colleague or trade union representative. In allowing this support the investigation must not be unreasonably delayed.

Employees must co-operate fully and promptly in any investigation. This may include providing the names of any witnesses, disclosing relevant documents and attending interview.

Once the fact-finding is concluded a report will be submitted to the Grievance Hearing Manager stating the findings and recommendations.

7. Grievance Hearing

Following completion of the fact-finding meetings and submission of the report. The Grievance Hearing Manager will invite the complainant to the outcome Hearing.

If the grievance is a collective grievance only one joint Hearing will be arranged.

Where reasonably possible the employee will be given at least 7 days' notice to attend the Grievance Hearing.

The Grievance Hearing is to give a formal outcome to the complainant. If during their hearing

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the Hearing Manager feels that further information is required, they may fully adjourn the hearing and arrange for the hearing to be reconvened. Any further information gathered will be presented to the reconvened Formal Grievance Hearing, affording all attendees the opportunity to ask questions/points of clarity in relation to the additional information presented.

A representative from HR would be present at the hearing in order to provide professional employment law and procedural advice, however any ultimate decision is that of the hearing manager. The HR representative may also serve as the note taker.

Employees are expected to attend the hearing without fail. If the employee or their companion is unable to attend the meeting, they must notify the Hearing Manager as soon as possible. An alternative date should be agreed if it is reasonable and unless exceptional circumstances exist not more than 1 week after the original date proposed.

If an employee continues to be unable to attend scheduled meetings, the meeting may take place in their absence and a decision will be made on the evidence available. Where Hearing Manager intends to hold the hearing in the employee's absence, the employee will be notified (where time permits in writing) beforehand.

Following the hearing an outcome letter would be sent to the employee within 7 days containing the following information:

- The decision made and the reasons for reaching it; and
- Confirming the employee's right to appeal and to whom.

For collective grievances each employee will be notified individually of the outcome.

8. Right to be accompanied

Employees is entitled to bring a companion to the Grievance Hearing The companion may be a trade union representative or a work colleague.

Companions may make representations and ask questions but should not answer questions on the employee's behalf.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the employee's choice of companion is unreasonable, they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance may prejudice process; or
- If the companion's unavailability will cause unnecessary delays within the prescribed timeframes unless exceptional circumstances exist.

9. Appeal

If the employee is dissatisfied with the outcome of their grievance, they may appeal in accordance with the Appeals Policy and Appeals Procedure.

10. Document retention

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Last Updated February 2023

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The Grievance Manager should forward copies of all paperwork relating to the grievance and Grievance Meetings to the HR Department. Any such correspondence should be labelled for the attention of the HR Department and marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the CPCA's records retention and management policies.

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References:

Appeals Policy & Procedure
 Disciplinary Policy
 Equality and Diversity Policy
 Grievance Policy

Issue date:	2023
Version number:	4
Review due date:	2026

Document control sheet

Purpose of document	This document provides useful information on the grievance process and how a grievance may be raised
Type of document	Guidance
Document checked by Legal	Not applicable
If applicable, has an initial Equality Impact assessment (EIA) been completed?	Yes
Document Lead and Author	HR Team
Dissemination	
What other documents should be read in conjunction with	Document listed in this guidance
Who will review the document (job title)	HR Team
Why is this document being reviewed	Wording reviewed to ensure clarity on grievance process is clear to both employees and managers, with focus on the investigation meetings and Grievance hearing