

Grievance Policy - Procedure

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Team Name: Human Resources

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1. Introduction

This procedure, in conjunction with the [Grievance Policy](#), is intended to resolve colleagues' grievances as quickly, fairly and as consistently as possible.

These procedures have been agreed following consultation with the GMB and Unison trade unions.

2. Grievance procedures

Scope

Whilst there is an informal and a formal process, it is hoped that formal grievances can be avoided through effective communication and early discussion between colleagues and their immediate supervisors. There is a toolkit available on the Council's intranet containing templates to support this process.

If a colleague raises a grievance in connection with a specific employment procedure / process, it is expected that it will be dealt with as part of that procedure/process.

Examples of other employment procedures/processes include:

- Salary Grading Reviews including Job Evaluation
- Disciplinary matters
- Restructuring and redundancy
- Probationary periods
- Tax or pension regulation matters
- Sickness absence management
- Other matters covered by a collective agreement

(Please note this list is not exhaustive).

3. Informal Grievance

To avoid using the 'Formal' process, grievances wherever possible, should be resolved through early discussion between colleagues and their line manager.

The line manager must respond verbally to a grievance as soon as reasonably possible. A letter in response is not required at this stage as the process is informal. However, a follow up email from the manager may be appropriate in some circumstances.
(It is best practice to keep management notes of any concerns, discussions and outcomes).

3.1 Informal Discussion

Where a grievance is raised by a colleague about another colleague, managers and colleagues are encouraged to consider holding an informal discussion or a mediated discussion as early as possible in the grievance process to explore means to resolve it.

The manager should gain an understanding of the issue/s by meeting with each party separately and then if both parties agree the manager should hold a joint meeting to try to resolve the issue/s. If this is not successful, the aggrieved party retains the right to lodge a formal grievance.

4. Mediation Meeting/Discussion

Mediation involves the use of an experienced person to mediate on the grievance, and it can take place at either the informal or formal stages of the Grievance procedure or following the completion of the procedure. The decision on whether to enter mediation is initiated by the manager but requires the agreement and participation of the affected parties. Where mediation is considered appropriate, the formal procedure may be temporarily halted.

(Please see further guidance about mediation and how to arrange a mediator).

5. Formal Grievance

If the matter has not been resolved informally and the colleague wishes to raise the matter formally, they should set their grievance out using the grievance form.

Colleagues who are trade union members are advised to seek their representative's support when completing the grievance form.

The form should be submitted to the colleague's line manager or their manager's line manager where this is not appropriate owing to the grievance being about the conduct of the colleague's line manager.

6. The Grievance Meeting

The appropriate manager will arrange a meeting with the aggrieved colleague. This meeting will normally take place within 10 working days of receipt of the grievance form.

The colleague may be accompanied by either a work colleague or a trade union representative at a formal Grievance Meeting.

The Manager hearing the grievance may be accompanied by an HR Representative.

To make a fully informed decision, the manager will also consider:

- whether there is anyone else they need to speak to
- if any other information is required

If it is necessary to gather further information before deciding on the grievance outcome, the manager will inform the colleague of this, and the likely timescale involved.

Confidential notes of the meeting will be taken, and if requested shared with the colleague. The decision of the manager will normally be confirmed in writing within 10 working days of the meeting.

There will be some cases where it may be difficult to find an impartial person to hear a grievance, and where an external third party e.g. an external HR company or consultant may be used, for example:

- If the grievance is against a line manager and finding a sufficiently senior and independent manager within the organisation is not possible;
- Where there are no internal individuals who are sufficiently impartial or independent to hear a grievance, an external party can be appointed;
- In some exceptional situations, an external consultant may be appointed to bring a more detached and independent view to the investigation of the grievance.

There is, however, no entitlement for colleagues to have an external investigator and the decision as to who investigates the grievance will be agreed by the Manager, in conjunction with HR, on a case-by-case basis. The colleague will be informed before the process starts and the normal principles will apply i.e. any necessary investigations will be carried out including, if necessary, adjourning the meeting to do so; employees will have the right to be accompanied in the normal way; both parties will attend the meeting i.e. the colleague and investigator; and the colleague will be allowed to explain the grievance.

Once the investigation is complete, the external investigator's report will be reviewed by the commissioning Manager, who will decide the outcome and provide a written response to the colleague. A further internal Grievance Meeting will not be necessary where an external investigation has been commissioned, however, a follow-up meeting may be requested by the colleague to clarify any aspects of the outcome, if requested.

The parties involved in a grievance may, by agreement, modify the time limits referred to in this procedure.

7. Right of Appeal

The colleague has the right to appeal against the decision made at the Formal Grievance Meeting, or outcome following an independent investigation. The decision made at a Grievance appeal hearing is a 'Final' outcome.

(Please refer to the [Appeals Policy](#) and [Procedure](#)).

8. Group Grievances

A group grievance occurs when two or more individuals within a work group share the same grievance concerning a matter which is specific to that group. In such cases all colleagues who wish to be party to the group grievance must jointly sign one Grievance Form. The group will be required to nominate a person to represent the views of the group.

9. Collective Grievances/Disputes

If an issue has significant wider implications for the Council's employment policies and affects the whole workforce a Collective Dispute may be raised.

The following stages will apply:

- Informal – the dispute will be referred to the Director of People & Culture Services who will seek to resolve the matter
- Formal – if the matter cannot be resolved informally a collective dispute may be referred to the Joint Consultative Committee (JCC)

The advice of the Provincial Council Joint Secretaries may be sought at the request of either side.