



PROCEDURE FOR SETTLING EMPLOYEE GRIEVANCES

26th January 2021

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1. **Preamble**

- 1.1 The object of this procedure is to provide a formal means for hearing promptly any grievance which an employee may have arising out of his or her employment with the Authority. The procedure is not intended to replace the usual practice whereby an employee raises any grievance quickly and informally with their immediate line manager, but is available for use should that approach fail. An employee may at any stage take a matter up personally or consult with their trade union representative for advice or representation.

2. **Definitions**

- 2.1 For the purposes of this procedure, a grievance is defined as a complaint by an employee arising out of his or her employment with the Authority, and may include action which the Authority has taken or is contemplating taking in relation to that employee. In this code "employee" means a direct employee of the Authority. Any grievances raised by other persons appointed by the Authority to officer posts shall be dealt with in the context of any agreements entered into by the Authority with respect to those posts.

3. **Scope of the Procedure**

- 3.1 The procedure applies to all employees of the Authority.
- 3.2 The procedure does not apply to matters which may be dealt with under the Employees' Disciplinary Code; the Absence Management Code; the Procedure for Dealing with Cases of Unsatisfactory Performance; the Managing New Employees Code; unless there is a complaint under this procedure that the action being contemplated or taken under those codes or procedures would amount to unlawful discrimination, or if there is a complaint that the real reason for the action being contemplated or taken is unrelated to the reason given. In such cases, the Clerk must be consulted as to the arrangements to be put in place to deal with the requirements of both the code or procedure under which action is being contemplated or taken and this procedure.
- 3.3 The procedure does not apply to appeals against grading.
- 3.4 The procedure does not apply to collective disputes, which may be raised and dealt with in accordance with the agreed joint consultative machinery.

4. Stage 1

- 4.1 Any grievance which an employee wishes to raise under this procedure shall first be discussed with their immediate line manager.
- 4.2 Where a grievance brought by an employee relates to the employee's immediate line manager, the employee shall be entitled to raise the grievance with the next more senior officer within the Authority.
- 4.3 The line manager shall reply orally as soon as possible and in any case within five working days. The employee shall be informed of any reason for delay if an immediate reply cannot be given.

5. Stage 2

- 5.1. If the employee continues to be aggrieved they shall submit to the immediate line manager a written request for a meeting to discuss the grievance. This shall be immediately transmitted to the General Manager. Should the Deputy General Manager be the aggrieved employee then the written request should be transmitted to the Clerk to the Authority. Should the General Manager be the aggrieved employee then the written request should be transmitted to the Members of the Authority. The employee must set out the grievance in writing with this request.
- 5.2. The General Manager shall as soon as possible, and in any case within five working days from the date of the request, call a meeting with the interested parties informing the employee that he or she may be accompanied by a trade union or other representative, and notify the Staff Side Secretary. Where an employee raises a grievance relating to the actions of another employee, then that employee may be accompanied by a representative at any hearing of that grievance.
- 5.3. At the meeting the General Manager should establish the facts of the case and the views of the interested parties. In more complex cases, it may be necessary for the General Manager to arrange for an investigation to be undertaken and so they will adjourn the hearing pending its completion.
- 5.4. Having established the facts and the views of the interested parties, the General Manager will decide as to the reasonableness of any action taken, explore what would settle the grievance, and reach a decision on the grievance and as to any future action.

5.5. As soon as possible after this meeting, and in any case within five working days, the General Manager shall notify the decision to the employee in writing and notify the employee of the right to appeal against that decision if the employee is not satisfied with it.

6. Stage 3

6.1. If the employee continues to be aggrieved in respect of their original complaint, the grievance may thereafter be referred for a Stage 3 hearing by request of the employee within ten calendar days from the date the General Manager's decision was delivered to the employee. In exceptional circumstances, this time limit may be extended upon request to the Clerk stating the reason. The Stage 3 hearing shall be called within twenty working days of the request being made. The employee shall be notified in writing, giving at least five clear working days' notice, of the date, time and place of hearing and provision for representation. The letter shall be sent by recorded delivery post or by hand to the residence of the employee.

7. Stage 3 Hearing

7.1. Grievances referred by the employee for a Stage 3 hearing shall be heard and determined by the Clerk to the Authority (in the case of the aggrieved employee being the General Manager, the grievance should be heard and determined by the Members of the Authority). The General Manager, the employee, and where appropriate, the employee's representative shall be present during the hearing before withdrawing, if necessary, to enable the Clerk (or Members) to reach a decision on the grievance and on such further action as appropriate on behalf of the Authority, as employer. (The hearing procedure is set out in Appendix 1).

7.2. The decision of the Clerk (or Members) on the grievance shall be final, except where an important issue of principle arises which may be referred to the appropriate joint consultative machinery.

8. Time Limits

8.1. The periods given for the completion of stages of the procedure are provided to ensure prompt decisions in the interests of both the Authority and the individual. Where it is considered by an employee that an exemption may be warranted, an application for the extension of any prescribed period together with the reasons shall be made immediately to the Clerk who will undertake the necessary consultations and convey the Authority's decision upon the application. Alternatively, it may be considered necessary for the

Authority to extend a time limit. In such a case the Clerk will consult with the employee and any representative concerned as appropriate. The Clerk's decision on any extension shall be final.

9. Grievances of a sensitive and personal nature.

9.1. If the grievance is of a sensitive and personal nature and concerns the personal actions of the General Manager, the grievance shall be governed by the procedure set out in Appendix 2.

10. Post Employment Grievances

10.1. Separate arrangements will apply to the consideration of grievances which are lodged after employment has ended. Any such grievances should be addressed to the Clerk, Western Riverside Waste Authority, c/o Western Riverside Administration Office, Smugglers Way, SW18 1JS, and the former employee must set out in writing the grievance and the basis for it. In these cases, the Clerk will agree the appropriate arrangements for considering the complaint, and respond to the complainant concerning these arrangements within five working days of receipt of the complaint. Where the grievance is lodged before the employee's last day of service but the procedure has not been started or completed before employment has ended, the General Manager will consult the Clerk as to the arrangements to be used.

Procedure for Stage 3 grievance hearing

1. A hearing shall be called within twenty working days from the date of receipt of a request from the employee. The employee shall be notified in writing, giving at least five clear working days' notice of the date, time and place of hearing and provision for representation. The letter shall be sent by recorded delivery post or by hand to the residence of the employee.
2. The grievance shall be heard with a personnel advisor appointed by the Clerk for this purpose (and any other advisory officers deemed appropriate) present to give the Clerk such advice as may be necessary as to procedure, the requirements of employment law, conditions of service and codes of practice.
3. All present shall have before them a written statement prepared by the General Manager stating the nature of the grievance and the decision taken at the Stage 2 hearing.
4. The employee or the representative shall then be asked to state and explain the nature of the grievance and may also produce a written statement and call other employees.
5. The General Manager, who may be accompanied by officers who have had direct involvement in the case, may then question the employee, any representative and any witnesses called by the employee.
6. The Clerk may then question the employee, any representative and any witnesses.
7. The General Manager shall then be asked to respond, by reference to the written statement, explaining the circumstances which have been heard at Stage 2 and the reasoning behind the decision on the grievance which was taken at that stage.
8. The employee or the representative may then question the General Manager and/or other officers present.
9. The Clerk may then question the General Manager and/or other officers present.
10. The General Manager will then be given the opportunity to sum up.

11. The employee or the representative will then be given the opportunity to sum up.
12. Discussion may follow with the object of achieving agreement to settle the grievance if possible but it may be necessary, having tried for that agreement, for the parties to withdraw so that the Clerk may formulate his decision.
13. If that occurs, the parties shall be recalled and informed of the Clerk's decision on the grievance and such further action as the Clerk may determine on behalf of the Authority.
14. The decision shall be confirmed in writing by letter sent by recorded delivery post or by hand to the residence or workplace of the employee within five working days of the hearing.

Note:

In those cases where the Authority's Members hear a case, the above procedure shall be followed except that references to the Clerk shall be replaced by reference to the Members and references to General Manager, shall be replaced by Clerk.

Special arrangements

1. Involving the General Manager

1.1 If a member of staff has a grievance of a sensitive and personal nature involving the personal action of the General Manager which is considered to make it difficult for the General Manager to hear in the normal way, the case should be referred to the Clerk to decide whether any special arrangements for hearing the grievance need to be made, and if so, what these arrangements should be. An example of how a case might be progressed is as follows:-

- (a) Stage 1: attempt at resolution; involving the General Manager directly or indirectly; where this does not lead to resolution, proceed to Stage 2;
- (b) Stage 2: heard by the Clerk; where this does not lead to resolution, proceed to Stage 3;
- (c) Stage 3: heard by Authority Members.

2. Involving the Clerk or other officers not managed by the General Manager.

2.1. In the event of a grievance which makes reference to the actions of an officer not managed by the General Manager, the Clerk shall determine whether there is any requirement to alter the procedures referred to in this code, to ensure that the hearing is properly conducted. For instance, it might be appropriate for another officer who has direct knowledge of the case to take on the role of the General Manager at Stages 1 and 2.

2.2 In the event of a grievance of a sensitive and personal nature involving an officer not managed by the General Manager, the matter should be raised with the Clerk (or, if involving the Clerk in some way, the Treasurer) who will consult with the Chairman of the Authority with a view to jointly agreeing whether any special arrangements for hearing the case need to be made, and if so, what those arrangements should be. Options for handling such cases might include direct referral to the Authority Members or a specially established panel. The Clerk cannot hear a grievance which relates to him or his actions.