

# GREATERLONDONAUTHORITY

## Grievance procedure

### 1. Introduction and purpose

- 1.1 This procedure gives employees a means to deal satisfactorily and promptly with any employment-related grievance. Its aim is to ensure good working relationships and to settle grievances promptly, fairly and as close as possible to the point of origin. It applies to both individual and collective grievances. A collective grievance may arise where more than one employee has the same grievance.
- 1.2 The Advisory, Conciliation and Arbitration Service (ACAS) defines grievances as:  
*“concerns, problems or complaints that employees raise with their employers”.*
- 1.3 The GLA places responsibility upon all employees and managers to develop and maintain constructive working relationships. It is important that employees are treated as individuals, with respect, and their needs and expectations acknowledged and that these are balanced together with the needs and objectives of the GLA.
- 1.4 When dealing with a grievance, managers must endeavour to understand the reason for the grievance and with the employee have a shared responsibility for identifying solutions to the problem or concern.
- 1.5 This procedure outlines the responsibilities of complainants and managers relating to grievances and provides guidance on the process of handling grievances and achieving resolution.
- 1.6 The timescales within the procedure are designed to ensure that grievances are addressed promptly. Grievances must be raised as soon as possible and in any event within **three months** of the matter complained about taking place.

### 2. Scope

- 2.1 This procedure applies to all current GLA employees (excluding temporary agency staff) with modifications as indicated:
  - The Head of Paid Service (Chief Officer), the Monitoring Officer and the Chief Finance Officer (“the Statutory Officers”) – where this policy will be modified by the terms of the Statutory Officers Staffing Protocol
  - Staff appointed by the Mayor under s 67(1) of the GLA Act 1999 (as amended) - where this policy will be modified by the terms of the Protocol on Mayoral appointments.
  - Directors appointed by the Head of Paid Service – where this policy will be modified as set out in section 7.
- 2.3 Complaints or grievances about action taken under one of the following GLA policies and procedures will not be considered as a grievance but will be dealt with under the appeals process in the relevant policy or procedure:
  - Disciplinary procedure

- Capability procedure
- Sickness Absence policy
- Probation procedure
- Job evaluation scheme
- Management of Change procedure

2.4 Issues that are the subject of collective negotiation or consultation with Unison will not be considered under the grievance procedure.

2.5 Grievances raised by an employee while they are subject to disciplinary proceedings, if raised at any time before the appeal stage, will usually be heard in the course of those proceedings where the issues being considered are interrelated. Where appropriate, the disciplinary process may be temporarily suspended in order to deal with the grievance or dealt with at the same time. If the grievance is not related to the disciplinary case, the disciplinary proceedings will continue and the grievance procedure will be commenced after the disciplinary proceedings have been completed.

2.6 If it is established that that an employee has raised a malicious or vexatious grievance then disciplinary action may be taken.

### **3. Responsibilities**

#### 3.1 Employees

All employees should:

- comply with the arrangements as set out in this procedure;
- aim to resolve all personal grievances informally with their manager or with the employee to whom the grievance relates;
- ensure that any concerns or problems are raised early so that the matter does not become more serious.

#### 3.2 Managers

All managers should:

- ensure that grievances and concerns that are raised informally by employees are addressed promptly and resolved where possible;
- identify the cause of the concern and where appropriate take the necessary steps to prevent the issue from arising again;
- respond to any formal grievance that is raised by an employee promptly and fairly, in accordance with this procedure;
- seek the advice of the Human Resources and Organisational Development (HR&OD) Unit, where appropriate.

#### 3.3. Human Resources and Organisational Development

The Human Resources and Organisational Development Unit will:

- provide advice and support to line managers on managing grievances where requested;

- provide training for line managers on managing grievances and encourage participation in such training;
- attend formal hearings and provide advice and assistance to the Hearing Officer.

#### **4. Grievance process**

##### **4.1 Stage 1 – Informal process**

4.1.1 Employees should seek to resolve any employment-related grievance informally, either with their line manager or directly with the person who is the subject of the complaint. Employees are encouraged to resolve the matter through informal discussion with the other employee or their line manager or use the GLA's mediation policy as a first step.

##### **Mediation**

4.1.2 Mediation is a method of conflict resolution that brings the disputants together with an objective third party in order to find a solution. Mediation can be used effectively in cases including:

- where both parties wish to resolve the matter themselves;
- there is a dispute between two employees or between an employee and line manager;
- to re-build the working relationship after a formal procedure has been resolved;
- to address a breakdown of communication or interpersonal problems affecting the working relationship.

Further details of the Mediation policy are available on the GLA intranet.

4.1.3 If a grievance cannot be resolved informally, the employee should raise it formally following the steps set out below.

##### **4.2 Stage 2 - Formal process**

##### **Individual grievances**

4.2.1 Where an employee has a grievance relating to their employment which cannot be resolved informally, despite all efforts to do so, they should first write to their immediate line manager (where appropriate), setting out details of the grievance. This should include:

- confirmation that the formal stage of the grievance process is being invoked;
- what informal steps have been taken to resolve the issue;
- a full statement of the reasons for the complaint, including any relevant facts, dates, names of individuals involved and the documentation to be referred to;
- what outcome is being sought by the complainant.

4.2.2 Where the grievance is against the line manager, the matter should be raised with the manager's manager.

4.2.3 The manager receiving the grievance should send a written acknowledgement to complainant, normally within three days.

## **Collective grievances**

- 4.2.4 In circumstances where a grievance applies to more than one person, the details of the grievance must be set out in writing and signed by all who are party to the grievance. Normally one person should be nominated to represent the group. Details of a collective grievance will only be considered at one grievance meeting and (if applicable) one appeal hearing
- 4.2.5 Where employee grievances are not identical or where there is not a full voluntary agreement amongst the complainants, the grievance will be dealt with on an individual basis in line with this procedure.

## **4.3 Grievance meeting**

- 4.3.1 When attempts to resolve the grievance at the informal stage have failed, and a formal grievance has been raised, the manager will arrange a meeting with the employee to discuss the matter, normally within 10 working days. The manager should inform the employee of their right to be accompanied by an accredited trade union representative or work colleague employed by the GLA. The manager will be advised by a member of the HR&OD Unit.
- 4.3.2 If the grievance is against another employee, the manager should instead convene a meeting with both parties to discuss the matter. Where no individual is named, but the grievance is against the GLA in general, a management representative may, where appropriate, be nominated to respond to the grievance. (See paragraph 4.4 for exceptions to this process).
- 4.3.3 The employee(s) may be accompanied at the meeting by an accredited trade union representative or work colleague employed by the GLA. The manager will be advised by a member of the HR&OD Unit.
- 4.3.4 At least ten working days before the meeting, the employee who is the subject of the grievance (where relevant) will be provided with:
- a) the complainant's statement setting out the nature and details of the complaint
  - b) a copy of any relevant documentation to be referred to by the complainant at the meeting, together with the names of any witnesses to be called;
  - c) a copy of the grievance procedure
- 4.3.5 If the employee who is the subject of the grievance (where relevant) wishes to present any supporting documentation at the meeting, this should be made available to the HR&OD Unit for the information of the complainant at least five days before the meeting, together with the names of any witnesses to be called.
- 4.3.6 These arrangements may be varied by the manager in consultation with the employee(s) concerned and the HR&OD Unit, to deal with any practicalities, sensitivities or equality considerations.
- 4.3.7 At the meeting, the complainant (or their trade union representative/work colleague) will explain the grievance indicating the desired solution. The person who is the subject of the grievance (or their trade union representative/work

colleague) will respond, indicating a solution if possible. The manager may explore solutions through discussions in the meeting to attempt to achieve resolution.

#### **4.4 Investigation**

- 4.4.1 If the grievance concerns a complaint of bullying, harassment or discrimination or is particularly complex due to the number of individuals involved or due to other issues of practicality or sensitivity, the manager may, in consultation with the Assistant Director of Human Resources and Organisational Development, decide that an investigation should be undertaken instead of holding a meeting in line with 4.3 above. The investigation may be conducted by the line manager or another manager nominated by the relevant Director, Assistant Director or Unit Head.
- 4.4.2 Before starting the investigation, the manager should contact the HR&OD Unit and a representative will be nominated to advise and assist with the investigation.
- 4.4.3 All employees are expected to co-operate with any investigations. Any employee called to an investigation meeting, will be expected to attend and may be accompanied by a trade union representative or work colleague employed by the GLA.

#### **4.5 Grievance outcome**

- 4.5.1 The manager will write to the complainant, and where relevant, the other party/parties setting out their decision, normally within ten working days. If it is not possible to respond within this period, for example because there is a lot of evidence to consider, the parties should be given an explanation for the delay and kept informed of the progress.
- 4.5.2 The written decision will state whether or not the grievance was upheld and the reason why, along with any proposed solutions, recommendations or actions. The complainant should be advised that they have the right of appeal.

### **5 Stage 3 - Appeals process**

- 5.1 If the complainant is not satisfied with the manager's decision, they may request an appeal hearing with the manager's manager by writing to the Assistant Director of Human Resources and Organisational Development outlining the full grounds of appeal and desired outcome within ten working days of receiving the decision.
- 5.2 Appeal hearings will deal only with the specified grounds of the appeal and will not provide an opportunity for a rehearing of the original evidence or material. Appeals must be based on one or more of the following criteria:
- the fairness and reasonableness of the hearing officer's decision;
  - information which was not available at the time of the grievance and which could significantly affect the original decision;
  - a significant failure in the way in which the grievance procedure was applied.
- 5.3 The manager hearing the appeal will normally be the line manager of the person who dealt with the original grievance. The Assistant Director of Human Resources

and Organisational Development will arrange for an appeal hearing, which will normally be within ten working days of the written request. The appellant may be accompanied by an accredited trade union representative or work colleague employed by the GLA. The manager hearing the appeal will be advised by a member of the HR&OD Unit.

- 5.4 The appellant (or their trade union representative/work colleague) will state the grounds for their appeal. The manager who made the original grievance decision will respond to the grounds for appeal and state the reasons for their decision.
- 5.5 The Appeal Hearing Officer may explore solutions through discussions in the hearing to attempt to achieve resolution.
- 5.6 The decision of the Appeal Hearing Officer will be final.
- 5.7 The Appeal Hearing Officer will give their decision in writing, normally within ten working days. If it is not possible to respond within this period, the employee should be given an explanation for the delay and kept informed of progress.

## **6. Scheduling of meetings**

- 6.1 Where possible, the timing of all meetings covered by this procedure will be agreed with the employees concerned. All parties are expected to make all reasonable efforts to attend.
- 6.2 If an employee or their companion is unable to attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by manager. This five day time limit may be extended by mutual agreement.
- 6.3 If an employee fails to attend a meeting through circumstances outside their control and unforeseeable at the time the meeting was arranged (e.g. illness), the manager should arrange another meeting. Advice may also be sought from Occupational Health where appropriate. A decision may be taken in the employee's absence if they fail to attend the re-arranged meeting without good reason.

## **7. Application of the Grievance Procedure to Directors appointed by the Head of Paid Service**

- 7.1. Where a grievance is raised by a director against the Head of Paid Service, this must be dealt with in accordance with the Statutory Officers Staffing Protocol.
- 7.2 Where a grievance is raised by a director against any employee other than a Statutory Officer or in respect of any other matter, the Monitoring Officer or the Chief Finance Officer will act as the director's line manager for the purposes of Stages 1 and 2 of this procedure. The Head of Paid Service will hear any appeal at Stage 3 of the procedure.

## 8. Records

- 8.1 Records will be kept detailing the nature of grievances raised, the managers' response(s), the action taken and the reason for the action. These records will be kept confidential and retained in accordance with the Data Protection Act 1998.

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