

Grievance Procedure for Uniformed and Support Staff

Executive Summary

This procedure is designed to provide a framework and process for the timely and effective resolution of difficulties that may arise in the workplace. The aim of the procedure is to ensure that employees who feel aggrieved about the way they have been treated are given every opportunity to express their views and as appropriate, to have the issues resolved in a timely manner.

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1. Purpose

For the purpose of this procedure, a grievance is defined as a complaint, concern or problem raised by an employee against the specific actions (or omissions) taken by the Service (or a manager representing the Service) or colleague that fails to fulfil a reasonable duty to that employee.

The procedure expects where reasonably practicable that the employee will seek solutions through appropriate informal methods prior to the use of the formal process.

2. Scope

2.1 The Grievance Procedure applies and is available to all current employees so that any grievances they may have can be properly considered.

2.2 For those staff conditioned to the Gold Book and/or Directors of the Fire and Rescue Service (FRS) Appendix A will be applied

2.3 A grievance may be raised about any matter concerning work, the work environment, or conditions of employment. Where separate procedures or SPIs exist for dealing with specific types of grievance, these should be used instead of this generic procedure, for example:-

- Appeals against salary grading due to the outcome of job evaluation.
- The outcome of considerations relating to discipline, dismissal, the management of absence.
- Complaints relating to harassment and/or bullying.
- Appeals against the rejection of applications under the Flexible Working Policy.

2.3 It is not appropriate to use the grievance procedure to air views of general dissatisfaction without being able to identify the specific actions or behaviour of management of individual(s) that creates this feeling. Nor is it appropriate to raise a grievance regarding a level of "duty" that it is reasonable to expect in the circumstances, e.g. an employee feeling aggrieved as he/she is expected to undertake a task that is clearly a reasonable demand of the job.

2.4 Individual grievances cannot be raised where the same issue has been (or is currently being) aired collectively via the Trade Union Consultation Protocol or where it has been through a formal consultation process with staff or their representatives prior to implementation. In these circumstances, a grievance would only be appropriate where an individual manager has implemented an action plan, strategy, policy, etc. in an unreasonable way, differing from that agreed through the consultation process.

3. Principles

3.1 A grievance may be raised personally by the employee, or through a trade union representative or fellow employee.

3.2 An employee raising a grievance has a right to be accompanied by a trade union representative or fellow employee at all meetings within the formal stages of this procedure, including any subsequent appeal. The Service reserves the right to refuse to accept a companion whose presence would undermine the grievance process e.g. where a companion is a potential witness. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting may be rescheduled, provided that an alternative time is proposed within seven working days of the scheduled date.

3.3 As the purpose of the procedure is to secure a mutually acceptable resolution of a grievance, meetings will be arranged for dates and times when those involved can reasonably be expected to be available. Employees must make all reasonable efforts to attend meetings and the Service will make reasonable efforts to accommodate those with a genuine reason for not being able to attend. If employees fail to attend without explanation or if it appears that insufficient attempts to attend have been made, the hearing/appeal hearing may take place in their absence.

3.4 If it is not possible to respond within the time limits in this procedure, the employee should be told when a response can be expected.

3.5 When an employee wishes to raise a formal grievance against their immediate manager, it should be raised with the next higher level of management, normally the immediate manager's manager. The manager against whom the grievance has been raised will be notified of the grievance by the person with whom it has been raised.

3.6 In cases where an employee wishes to raise a grievance against another employee, it should be raised with the immediate manager of the employee concerned. That manager will inform the employee that a grievance has been raised and provide the employee with information as to the broad nature of the complaint.

3.7 Where a group of employees wish to raise the same grievance and feel that it can be dealt with collectively, they may opt for a spokesperson for the group. The procedure will be followed as for individual grievances and all communications will pass through the appointed spokesperson. It will be for the spokesperson to communicate with the rest of the group about the progress of the case. In such cases, it is not necessary for all those involved to be present at meetings and appropriate representative numbers should be agreed at each stage. To initiate a collective grievance, the issue should be raised with the immediate line manager responsible for the employees concerned and the procedure will start at that level.

3.8 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 Stage One of the Service's negotiation procedure.

3.9 It will be considered a serious disciplinary offence to either encourage any employee to give a misleading statement or to withhold evidence in the course of a grievance investigation, or to personally interfere with or coerce witnesses. It will also be considered inappropriate for others to encourage an individual to submit a grievance where the individual would rather attempt to deal with the matter informally.

3.10 Abusive or insulting behaviour from anyone taking part in or conducting grievance procedures will not be tolerated and the Service will treat any such behaviour as misconduct under the disciplinary procedure.

3.11 As soon as a manager receives notification of a formal grievance, the relevant Senior Human Resources (HR) Advisor should be informed in order that they can provide appropriate advice and guidance on handling the grievance.

3.12 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised with all of those involved and seek to facilitate a resolution. Agreement for the use of mediation is voluntary and will be used only where all parties involved in the grievance agree. Where mediation takes place outside of working hours payment will not usually be made, however time in lieu (standard rate) will be considered on application.

3.13 Where a grievance involves difficulty in reconciling work and caring responsibilities, managers shall make every effort, subject to the exigencies of the Service, not to implement any proposed change until the grievance has been dealt with.

3.14 Grievances should be raised within three months of the management decision, action or event causing the grievance, unless otherwise agreed.

3.15. Grievances raised by an appellant in relation to discipline and dismissal will be heard at the appeal stage of the disciplinary procedure.

3.16 Accessibility - if any aspect of the grievance procedure causes difficulty on account of a disability, or if assistance is needed because English is not the first language, this should be raised by the employee with the relevant Senior HR Advisor who will make appropriate arrangements.

4. Individual Grievance Procedure

The following sets out the key stages of the grievance procedure:

Stage 1	Informal Resolution
Stage 2	Formal Meeting
Stage 3	Appeal Hearing

4.1 Stage 1 - Informal Resolution

4.1.1 The Service encourages employees to resolve any conflicts and grievances that arise in the workplace as quickly as possible through informal means. Employees should raise issues directly with their immediate line manager directly to try and resolve matters informally. E.g. A Crew Commander in the case of a Firefighter. Employees should aim to resolve most grievances quickly and informally by discussing them with their direct line manager. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach the next higher level of management, normally the immediate manager's manager.

4.1.2 Employees are encouraged to use informal approaches, as set out above before using the formal procedure. If the informal approaches do not bring about a satisfactory outcome, or if they are not satisfied with the reply from the line manager, they may proceed to the next stage, which is the formal stage. Employees may be asked to demonstrate how they believe they have exhausted the informal process when submitting a formal grievance.

4.1.3 Where an employee is concerned about a matter relating to relationships at work, or feels that there may have been a misunderstanding, they may wish to raise the matter directly with the person involved. There is an expectation that where reasonable the employee will make efforts to resolve the matter informally before they access the formal process.

4.1.4 If raising the matter directly with the person involved, employees may wish to ask a fellow employee, trade union representative, their manager, or an Intermediary to intervene informally on their behalf. A typical approach by a third party would involve separate initial meetings with the parties, followed by a meeting where all parties meet and seek to reach agreement. The Service has a number of employees trained as intermediaries who are available to mediate between employees with a view to identifying a mutually acceptable resolution of the issues involved. The use of the intermediary process is voluntary and both parties must agree to its use.

4.2 Stage 2 - Formal Meeting

4.2.1 The formal procedure should be used if it has not proved possible to resolve the issue through the informal channels described above. Management reserves the right to reject a formal grievance until it can be demonstrated the informal process has been reasonably undertaken. In some cases or particularly serious cases, which may include allegations of bullying, harassment, or unlawful discrimination, that suggest major problems, the Chief Fire Officer has the discretion to appoint an appropriate external person to hear this.

4.2.2 Making a complaint

The employee must write to/email their line manager who has the authority to deal with a formal grievance (refer to Appendix A), or if the grievance is against that manager, to the next level manager, or the line manager of the employee against whom the grievance is being raised, asking formally for the matter to be considered under the Grievance Procedure. Appendix A details the level of Manager who the grievance should be referred to. A 'Written Statement of Formal Grievance' is to be used with details to be given of:-

- The issue about which the employee is aggrieved.
- What, if any, informal methods have been used to resolve the situation.
- The remedy sought.

4.2.3 Where the grievance is unclear, the employee will be asked to clarify the complaint before any further action is taken, in order that the grievance can be dealt with.

4.2.4 The formal grievance meeting

A formal grievance meeting will be held as soon as reasonably practicable and, subject to the need to carry out prior investigations, normally be within 10 calendar days of the written grievance being received, or extended by mutual agreement.

4.2.5 At the formal meeting, the employee will be asked to explain the nature of the grievance and what action they consider should be taken to resolve the matter.

4.2.6 If an employee fails to attend the meeting without explanation, it may take place in their absence.

4.2.7 The manager hearing the grievance will carry out an investigation as part of the formal stage (Refer to Appendix A).

4.2.8 The investigation will be proportionate to the grievance, and may include meeting with any employee against whom the grievance has been raised, interviewing any witnesses, examining any documentation.

4.2.9 Following the formal meeting, the employee will be informed in writing of the outcome within 7 working days. An explanation of the decision and the employee's right of appeal will also be included in the notification.

4.3 Stage 3 - Appeal Hearing

4.3.1 If the employee remains dissatisfied with the formal decision they may appeal within 7 calendar days of receiving the written confirmation. In order for the appeal to be considered the criteria specified in 4.3.2 should be stated so it is clear what the grounds of appeal are.

4.3.2 Appeals must be made in writing to the Head of HR, with the grounds of appeal clearly stated. Information required in the written notice of appeal is as follows:

- (a) The reason for dissatisfaction with the outcome of the previous grievance stages i.e. is this due to:-
 - The decision not to uphold the grievance is not proportionate, or
 - The proposed action to resolve the grievance.
- (b) Details of how the previous outcome was not proportionate and the outcome sought to address this.
- (c) The name of the manager who dealt with the Formal Stage.
- (d) The names of any witnesses the employee wishes to call.
- (e) Any supporting documentation the employee wishes to be considered.

4.3.3 The Head of HR will arrange for the appeal to be heard without unreasonable delay by the next level of management (someone who has the authority to review and change a previous decision) – normally within 10 calendar days. Wherever practicable, the appeal must be heard by a manager who has had no previous involvement in the case.

4.3.4 The appeal is not usually a rehearing of the original grievance, but rather a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance. The manager conducting the appeal will usually confine discussion to those specific areas rather than reconsider the whole matter afresh. The manager who dealt with the formal grievance will be required to attend any rehearing or appeal hearing to present the rationale for their decision.

4.3.5 Following the appeal hearing, the employee will usually be given a written explanation of the decision with reasons within 7 working days. The outcome will be final. The exception to this is when an extension to this timeframe is necessary in order to deal with the issues raised and this has been mutually agreed.

4.3.6 In particularly serious cases, which may include allegations of bullying, harassment, or unlawful discrimination, that suggest major problems, the Chief Fire Officer has the discretion to appoint an appropriate external person to hear this.

LEVELS OF HEARING AND APPEAL

1. The formal stages of the Grievance procedure shall be dealt with by the appropriate Commander, Manager or Member as follows:

Employee raising grievance	Chair of Formal Stage Meeting	Chair of Appeal Stage Meeting
Assistant Chief Fire Officer	Deputy Chief Fire Officer	Chief Fire Officer
Directors	Deputy Chief Fire Officer	Chief Fire Officer
Deputy Chief Fire Officer	Chief Fire Officer	Member Panel of Fire Authority
Chief Fire Officer	Member Panel of Fire Authority Appointments Committee	Group Leader Panel of Fire Authority Appointments Committee
Area Commander	Assistant Chief Fire Officer	Deputy Chief Fire Officer
Group Commander	Area Commander	Assistant Chief Fire Officer
Station Commander	Group Commander	Area Commander
Watch Commander	Station Commander	Group Commander
Crew Commander	Watch Commander	Station Commander
Fire Fighter	Watch Commander	Station Commander
Support Staff	Line Manager	Senior Manager

2. Where a grievance is against the Deputy Chief Fire Officer, the formal meeting will be held by the Chief Fire Officer and appeal will be to a Member Panel of the Fire Authority.
3. Where a grievance is against the Chief Fire Officer, the formal meeting will be held by a Member Panel of the Fire Authority and the appeal will be held by an independent third party.
4. Member Panel of the Fire Authority meetings will be arranged by the Head of Legal Services to the Fire Authority.
5. Member Panel of the Fire Authority meetings will comprise of a panel of three Members.
6. All Members will be appropriately trained in the Service's Grievance and Appeals process.
7. The Head of Human Resources to the Fire Authority shall have responsibility for the provision of professional Human Resources advice to the Member Panel of the Fire Authority grievance and appeal meetings.