



# GRIEVANCE PROCEDURE

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## 1. PURPOSE

- 1.1 This procedure is written in line with the Core Code of Ethics for the Fire and Rescue Service and provides a framework and process for employees to raise concerns, problems or complaints in an environment where issues will be taken seriously, dealt with fairly and where appropriate suitably remedied.
- 1.2 During any such process all employees will be treated with dignity, respect and integrity throughout. We recognise and promote equality, diversity and inclusion and challenge all behaviour that falls short of the highest standards.
- 1.3 It is the responsibility of both employer and employee to ensure that grievances are heard fairly, consistently, speedily and at the appropriate level.
- 1.4 The procedure must be made available to all employees so that any grievances they may have can be properly considered.

## 2. PRINCIPLES

- 2.1 This procedure applies to all employees regardless of length of service.
- 2.2 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 that creates this feeling. Further, where separate procedures exist for dealing with grievances on particular issues these should be used instead of the normal grievance procedure, for example:
  - The outcome of disciplinary action. In this situation the appeals procedure contained in the [Disciplinary Policy and Procedure](#) should be used



- The outcome of decisions in relation to performance or capability under the Performance and Capability Procedure. In this situation the appeals procedure contained in the [Performance and Capability Policy and Procedures](#) should be used
- Complaints relating to harassment and/or bullying. In this situation the procedure contained in the [Dignity at Work – Anti- Harassment and Anti- Bullying Policy](#) should be used
- Appeals against the rejection of applications to work flexibly. In this situation the appeals procedure set out in the statutory procedure should be used (contact the HR team for further details in this respect)
- Possible concerns of improper, unethical or acts which put people at risk which an individual is uncomfortable raising directly, are covered by the [Whistleblowing Policy](#).

- 2.3 When multiple members of a collective or a union submit similar concerns this will be managed as a collective grievance. These will be dealt with as appropriate to the facts of the case.
- 2.4 The Service via the HR Department provides a voluntary mediation service which can prove useful in bringing individuals together to reach an understanding, draw a line under past differences and learn to work together effectively in the future. At all stages of the procedure, the HR representative providing advice may feel that the use of the mediation service may be helpful. The service is voluntary and both parties must agree to its use.
- 2.5 Mediation may prove helpful in avoiding a formal grievance in the first instance or supporting the implementation of the decision made.
- 2.6 Grievances should be raised as soon as possible and, in any event, within 3 months of the decision or issue causing the grievance.
- 2.7 If an employee has difficulty at any stage of the grievance procedure and requires support, or reasonable adjustments to be made they should discuss the situation with their line manager who will take the appropriate action (or another manager if the grievance concerns the line manager).

### **3. INDIVIDUAL GRIEVANCE PROCEDURE**

#### **3.1 Informal Stage**

Employees should be informed that if they have a grievance relating to their employment they should discuss it with their line manager (or another manager if the grievance concerns the line manager). If the employee is not satisfied with the outcome of that informal discussion they may proceed to the next stage, which is the formal stage.



### 3.2 Formal Stage

- 3.2.1 At this stage the grievance must be set out in writing, with a description of the nature of the complaint, including relevant facts, dates and names of individuals involved. The written grievance should also state it is a formal grievance raised under the Grievance Procedure, although any written complaint should also be treated under the Grievance Procedure if this is deemed appropriate.
- 3.2.2 Grievances raised that are subsequently found to be deliberately false, are likely to be considered as a fundamental breach of the implied duty of mutual trust and confidence and will be managed accordingly.
- 3.2.3 The line manager should normally, where possible, hear the grievance within seven days. Where the decision that gave rise to the grievance was made at a higher level, the grievance will initially be heard at that level.
- 3.2.4 At the grievance meeting the employee may be accompanied by a trade union representative or a fellow employee.
- 3.2.5 The employee will be given a written decision with reasons, usually within seven days, explaining the decision and any actions to be taken.

### 3.3 Appeal Stage

- 3.3.1 If the employee remains dissatisfied with the decision they may appeal within seven days in writing. That written document should set out the grounds of the appeal. The next level of management should hear this appeal, normally within seven days. (Details in grievance escalation procedure in [Appendix 1](#)).
- 3.3.2 The appeal will review the original decision made and evidence presented but will not re-hear the case unless there was a procedural flaw in the original process.
- 3.3.3 Following the appeal hearing, the employee will be given a written explanation of the decision with reasons, usually within seven days of the appeal meeting.

### 3.4 Time Limits

- 3.4.1 The time limits referred to above may be varied by mutual agreement.

## 4. GRIEVANCE PROCEDURE – GUIDANCE

### 4.1 Informal Stage

- 4.1.1 Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority. If employees are not satisfied with the outcome of this initial informal stage, they may move to the next stage of a formal meeting.



## 4.2 Formal Stage

- 4.2.1 If a grievance cannot be settled informally, it should then be raised formally in writing with the appropriate level of management. Normally, this will be the line manager. Again, where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority.
- 4.2.2 Employees should be encouraged to seek help with setting out their grievance (for example from a trade union representative). Employees should seek assistance to formulate a written grievance if they are unable to do so themselves because of a disability, or because English is not their first language.
- 4.2.3 On receiving a formal grievance, the manager should invite the employee to a meeting which should be held in good time (normally within 7 days of receipt of the written grievance) and inform them that they have the right to be accompanied by a representative (which could be either their union representative or a fellow employee). They should propose a time and place for the meeting with the employee. If an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than seven days after the date originally proposed by the manager. Any extension beyond this timeframe will only be considered in exceptional circumstances. The manager will normally be supported by a member of the HR department at the meeting.
- 4.2.4 The employee will be given a full opportunity to explain their grievance and say how they think it should be resolved. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations.
- 4.2.5 Where the manager who would normally deal with the grievance cannot be available, another manager should be appointed to hear the grievance.
- 4.2.6 Following the grievance meeting, further investigations may be necessary. All information communicated in connection with such investigations should be treated as confidential. Where possible and appropriate, employees requested to attend any investigatory meeting will be given advance warning and time to undertake any necessary preparations. There is no right to be accompanied at any such investigatory meeting, although this may be allowed at the discretion of the Authority. Employees are required to co-operate fully and promptly in any investigation. This will include informing the investigating officer of the names of any relevant witnesses and disclosing any material documents.
- 4.2.7 A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by us to take notes.



- 4.2.8 The manager should respond in writing to the employees' grievance in good time (usually within 7 days of the grievance hearing, although such time period may be extended depending on the investigations deemed appropriate) explaining the reason for their decision and any actions to be taken. The outcome letter should let the employee know that they can appeal if they are not satisfied with the outcome. Any appeal must be made within 7 days of receipt of the written grievance outcome.

#### 4.3 **Appeal Stage**

- 4.3.1 Any appeal should be in writing and should state why the employee still feels dissatisfied.
- 4.3.2 The manager should arrange for an appeal meeting to be conducted in good time (usually within 7 days of receipt of the written appeal).
- 4.3.3 The appeal will, wherever possible, be heard by a manager at a more senior level who has the authority to review and change the original decision. This level of authority may depend on the nature of the issue.
- 4.3.4 The employee should be given a written decision and explanation on their appeal as soon as possible, and in good time.

### 5. **KEEPING RECORDS**

- 5.1 It is important, and in the interests of both parties, to keep written records during the grievance process. Records should include: -
- The nature of the grievance raised
  - A copy of the written grievance
  - The manager's response
  - Action taken
  - Reasons for action taken
  - Whether there was an appeal and, if so, the outcome; and
  - Subsequent developments.
- 5.2 Copies of meeting records should be given to the employee including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) some information may be withheld.

**APPENDIX 1****GRIEVANCE ESCALATION PROCEDURE**

The appropriate level of manager to deal with a grievance informally is the employee's direct line manager (unless the grievance concerns the line manager in which case, the HR team will arrange for a manager at a similar level but from another part of the organisation to chair the meeting.)

Wherever possible the officer/manager hearing the grievance will always be senior to the person raising the grievance. In the case of appeals the HR management team will appoint an officer/manager to hear the appeal.



## APPENDIX 2

### REPRESENTATION

1. Employees who raise a grievance have a statutory right to be accompanied by a fellow worker or trade union official of their choice at all formal stages of the procedure.
2. In addition, employees may be provided with the opportunity to be accompanied at the investigation stage, although this is not an entitlement and should not frustrate the process.
3. Fellow workers or trade union officials do not have to accept a request to accompany an employee, and they should not be pressurised to do so.
4. If an employee's choice of companion is unreasonable, the employee may be asked to choose someone else. This could arise, for example, if the choice of companion may have a conflict of interest.
5. An employee or lay trade union official who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the hearing and allow time for the representative to familiarise themselves with the case and confer with the employee before and after the hearing. A request for reasonable paid time off by a trade union official to accompany an employee employed by another fire authority in the same region shall be given due consideration by the respective employers. Employers should accommodate any reasonable adjustments required by the attendees.
6. Before the meeting/hearing takes place, the employee will tell the manager who they have chosen as a representative.
7. If reasonable adjustments are needed to attend a hearing or take part of an investigation these can be discussed with the HR Team who will attempt to accommodate the needs prior to attendance.

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