

1226 GRIEVANCE PROCEDURE – NON UNIFORMED/SUPPORT STAFF

The following policy sets out Cheshire Fire and Rescue Service's procedure, to ensure that employees are aware of the process by which they can raise concerns, problems and issues relating to their terms and conditions of employment. This policy applies to all non uniformed/support staff employees of Cheshire Fire and Rescue Service.

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OTHER (CROSS) REFERENCES:

CFRS 1227 - Grievance Procedure – Guidance Non Uniformed/Support Staff
 CFRS 1213 - Dignity at Work
 CFRS 1158 - Valuing Equality and Diversity
 CFRS 1178 - Discipline Procedures

CONTENTS

Section	Title	Page
<u>PART 1 - POLICY SECTION</u>		
1	Policy statement	2
1	Introduction	2
1	Keys to handling grievances in the workplace	3
1	Overlapping of grievance and disciplinary cases	5
1	Collective grievances	5

PART 1 – POLICY SECTION

Policy Statement

This procedure shall apply to all support staff of the Fire Authority including temporary staff.

The policy has been reviewed using the ACAS code and guidance and the policy introduces the concept of mediation which would reinforce the opportunity of resolving grievances at the informal stage with the aim of early resolution.

It is intended that the grievance policy will be the only form of redress for individuals and therefore, the existing Dignity at Work Policy would be discontinued.

This policy should be read in conjunction with 1227 Grievance Procedure - Guidance

Introduction

1. The Grievance Procedure provides a legitimate means by which an employee can lodge a grievance, and receive a considered response from the Service concerning their complaint.
2. The employee needs to present the grievance as clearly as possible and may find it helpful to consult their Trade Union or fellow worker to assist in preparing the grievance and, if the grievance proceeds to the formal stage and beyond, to represent and accompany them.
3. Although the nature of the grievance may be such that it affects work, employees must try to work as normally as possible and maintain working relationships during the period the grievance is being considered.
4. Whenever a grievance procedure is being followed it is important to deal with issues fairly. There are a number of elements to this:
 - 4.1. Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
 - 4.2. Managers and employees should act consistently.
 - 4.3. Managers should carry out any necessary investigations, to establish the facts of the case.

- 4.4. Managers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- 4.5. The Service will allow employees to be accompanied at any formal grievance meeting.
- 4.6. The Service will allow an employee to appeal against any formal decision made.

KEYS TO HANDLING GRIEVANCES IN THE WORKPLACE

5. Employees should let the manager know the nature of their grievance.
 - 5.1. If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance and the outcome they are seeking. The manager will discuss the grievance with a HR Business Partner and agree who will hear it.
6. A meeting should be held with the employee to discuss the grievance.
 - 6.1. It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This would involve the appointment of a third-party mediator, who would discuss the issues raised by the grievance with all of those involved and who would seek to facilitate a resolution. Mediation would be used only where all parties involved in the grievance agree.
 - 6.2. Managers should arrange for a formal meeting to be held without unreasonable delay after a grievance is received. Normally this would be within 21 calendar days of receipt of the grievance. All formal grievance meetings will require the attendance of a HR Business Partner.
 - 6.3. The employee and their companion should make every effort to attend the meeting. The employee will be allowed to explain their grievance and how they think it should best be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
7. The employee should be allowed to be accompanied at the meeting.
 - 7.1. Employees have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the Service to them. So this would apply where the complaint is, for example, that the Service is not honouring their contract, or is in breach of legislation.
 - 7.2. The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union. A trade union

representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

- 7.3. To exercise the right to be accompanied the employee must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for the employee to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for the employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.
- 7.4 The companion will be allowed to address the hearing to put and sum up the employee's case; respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the hearing. The companion does not however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the manager from explaining their case.
8. Decide on appropriate action.
 - 8.1. Following the meeting a decision should be made on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the manager intends to take to resolve the grievance. In most cases written decisions should be sent within 7 calendar days of conclusion of the meeting. The employee should be informed that they can appeal if they are not content with the action taken. The letter will provide the name of the person to whom an appeal would be addressed.
9. The employee should be allowed to take the grievance further if not resolved.
 - 9.1. Where an employee feels that their grievance has not been satisfactorily resolved they may appeal. They should advise the Service of their wish to appeal in writing within 7 calendar days of receiving the decision, followed by the grounds for their appeal and their expected outcome, within a further 7 calendar days of submitting their wish to appeal.
 - 9.2. Appeals should be heard, without unreasonable delay and at a time and place which should be notified to the employee in advance. This will normally be within 21 calendar days of receipt of their appeal.
 - 9.3. The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.
 - 9.4. The employee will have a statutory right to be accompanied at any such appeal hearing by a fellow worker, a trade union representative or an official employed by a trade union.

- 9.5. The outcome of the appeal should be communicated to the employee in writing, without unreasonable delay. In most cases written decisions should be sent within 7 calendar days of conclusion of the appeal meeting

Overlapping grievance and disciplinary cases.

10. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently, after consultation with the trade union representative.

Collective grievances

11. The provisions of this policy do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. Those grievances should be resolved in accordance with the Service's Joint Resolution Procedure (TU Protocol).