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REPORT TO:	FINANCE & MANAGEMENT COMMITTEE	AGENDA ITEM:	13
DATE OF MEETING:	2 <sup>ND</sup> SEPTEMBER 2004	CATEGORY:	DELEGATED/
REPORT FROM:	HUMAN RESOURCES MANAGER	OPEN	
MEMBERS' CONTACT POINT:	B NICHOLLS – PERSONNEL OFFICER (EXTN 5789)	DOC:	
SUBJECT:	GRIEVANCE PROCEDURE	REF:	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:	FMO5

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### 1.0 Recommendations

1.1 That this Committee approves the proposed Grievance Procedure attached at Annexe A of this report subject to the concerns outlined in paragraph 3.9.

### 2.0 Purpose of Report

2.1 To ask this Committee to approve the revised Grievance Procedure for adoption by the Council.

### 3.0 Detail

#### **Employment Act 2000 – Statutory Dispute procedures**

3.1 The Council adopted the current Grievance Procedure in March 2001. This procedure now requires reviewing to take into account the statutory Grievance Procedures included in the Employment Act 2000. These come into force on 1<sup>st</sup> October 2004.

3.2 The ACAS Code of Practice has also been revised to include the new statutory procedures. Employment Tribunals do take this into account when considering how an employer has handled a particular case.

3.3 There are also statutory procedures concerning dismissal. The Council's Disciplinary Procedure is, therefore, also being reviewed.

3.4 There are two statutory Grievance Procedures. These create a minimum standard for employees to comply with and are described below.

#### **Standard Three Step Procedure**

3.5 The standard three step procedure applies in cases where the employee is still employed by the employer and in cases after the end of employment unless:

- At any point it becomes not reasonably practical for one or the other of the parties to take the next procedural step or
- The parties agree in writing that the modified procedure should be followed instead.

3.6 The standard procedure consists of:

**Step One**

The employee sets down in writing the nature of the alleged grievance.

**Step Two**

The employer should convene a meeting to discuss the grievance and inform the employee of any decision it takes.

**Step Three**

The employee may appeal if she/he is unsatisfied with the decision of the employer.

**Modified Two Step Procedure**

3.7 The modified procedure will apply only where the employment has ended and either:

- Both parties agree in writing that the modified procedure should apply. This means in effect, that the two parties agree that they should not meet face to face.
- It is not reasonably practical for one or the other of the parties to follow the standard procedure, such as where the former employee is unable to secure time off work from their new job to attend a meeting.

3.8 The modified procedure consists of:

**Step One**

The employee sets down in writing the nature of the alleged grievance.

**Step Two**

The employer sets down a response in writing.

**Consultation**

3.9 The Joint Negotiating Committee has considered the proposed procedure. It agreed that the proposed procedure be reported to Committee for formal adoption to help ensure that we have a compliant procedure implemented by 1<sup>st</sup> October 2004. However, it was also agreed that if approved the procedure would be revisited by the Joint Negotiating Committee to discuss minor procedural issues.

**4.0 Conclusion**

4.1 The Council's current Grievance Procedure now requires revision owing to the changes in employment legislation due to become effective on 1<sup>st</sup> October 2004. This legislation provides for minimum statutory Grievance Procedures for both those in employment and those who have left employment. The proposed procedure at Annexe A of this report incorporates the statutory procedures. It also takes into account practical lessons learned since 2001 when the last review was undertaken.