

## **BARNSELEY METROPOLITAN BOROUGH COUNCIL**

**This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan**

### **REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES**

#### **REVISION TO THE GRIEVANCE PROCEDURE**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval to implement revisions to the existing Grievance procedure.

#### **2. RECOMMENDATIONS**

- 2.1 **It is recommended that Cabinet approve the revised Grievance procedure.**

#### **3. INTRODUCTION**

- 3.1 By law, employers must set out a Grievance procedure and share it in writing with all employees. The purpose of the Grievance procedure is to give employees a way to raise concerns, problems or complaints with the employer about their terms and conditions of employment, working environment or work relationships.
- 3.2 The Council currently has in place a Grievance procedure but it is intermittently updated as a result of factors such as guidance from ACAS, lessons learned during the grievance process and through recommendations made at formal grievance meetings.

#### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 It is proposed to implement the revised Grievance Procedure with immediate effect.
- 4.2 The main revisions to the procedure are:-
  - When assessing the initial grievance concerns it has been added that the complaint can be shared with the alleged transgressor(s) to obtain their view;
  - It has been made clearer that the Investigator should be sufficiently senior to carry out the investigation and reference is also now made to the management investigation guidance to assist the investigating officer when carrying out an investigation into a grievance.
  - Where an alleged transgressor feel sufficiently justified they may now request to be in attendance for the full Grievance Meeting, which was previously not permitted. However it will be for the Panel to determine the outcome of this request at the

commencement of the meeting. The Panel will consult with the Executive Director, Core Services or Service Director, Human Resources before confirming its decision and reasoning to the interested party and the employee bringing the grievance.

- The Panel can now consist of an 'appropriate level of officer', therefore depending on the complexity the case, the Panel does not necessarily have to be at a Head of Service level or above.

4.3 Agreement to this report will assist and support managers, employees and trade unions to deal with grievances in a lawful, fair, consistent and timely manner, therefore minimising any negative impact on the Council and potential employment tribunal claims.

## **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

5.1 The alternative to the implementation of this revised procedure is to continue with the current Grievance procedure, which could prevent grievances being dealt with in a fair and timely manner.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

6.1 The implementation of this revised procedure provides the framework to ensure that the Council deals with employee related concerns, problems and complaints, therefore assisting the Council to function efficiently and effectively.

## **7. FINANCIAL IMPLICATIONS**

7.1 There are no direct financial implications arising from this report.

## **8. EMPLOYEE IMPLICATIONS**

8.1 By implementing the revised procedure employees who wish to raise a grievance either informally or formally have a fair, consistent and timely process in place to enable them to do so.

## **9. LEGAL IMPLICATIONS**

9.1 There are no direct legal implications arising from this report.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

10.1 There are no direct implications arising from this report.

## **11. COMMUNICATIONS IMPLICATIONS**

11.1 The procedure will be displayed on the HR Intranet and the changes will be detailed in an article in StraightTalk.

11.2 For employees who do not have access to e-mail / intranet facilities, managers will be responsible for communicating this information to their teams.

- 11.3 Human Resources Business Partners and Advisors will be available to provide advice to employees / managers / head teachers / members.
- 11.4 The existing POD course will be updated and a bitesize training / briefing session developed to ensure managers / head teachers are aware of the policy and to ensure it is implemented fairly and consistently.

## **12. CONSULTATIONS**

- 12.1 The trade unions have been consulted and are in agreement to the proposed changes.
- 12.2 HR and Legal colleagues have also been consulted and had their input into the proposed changes.

## **13. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

- 13.1 No direct implications arising from this report.

## **14. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION**

- 14.1 The implications for employees as a result of this revised procedure have been considered and all employees will be equally affected by the implementation of this policy.

## **15. RISK MANAGEMENT ISSUES**

- 15.1 Implementing revisions to this procedure will contribute towards ensuring that any problems or concerns an employee may have about their work, working conditions or relationships is addressed and where possible resolved. The risk of employment claims being made against the Council through the Employment Tribunal system will be minimised by the introduction of this revised procedure.

## **16. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

- 16.1 Risks to the Council are minimised as employees and managers have a procedure they can refer to and follow to ensure work place disputes are dealt with appropriately.

## **17. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

- 17.1 This procedure is compatible with the European Convention on Human Rights.

## **18. LIST OF APPENDICES**

Appendix 1 – Grievance Procedure

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