

Meeting:	Employees' Consultative Forum
Date:	1 November 2006
Subject:	Grievance Procedure
Key Decision: (Executive-side only)	No
Responsible Officer:	Jon Turner, Interim Director of Human Resources
Portfolio Holder:	Deputy Leader with portfolio responsibilities for Finance and Business Matters Cabinet Assistant for People Performance and Policy Portfolio Holder for Community Development
Exempt:	No
Enclosures:	Revised Grievance Procedure

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report is seeking agreement to the revised Grievance Procedure in the absence of agreement by the unions.

### **RECOMMENDATIONS:**

The Committee is requested to:  
Make a recommendation to Cabinet to agree the revised Grievance Procedure without further consultation if in the event it is not possible to reach agreement with the unions at Corporate Joint Committee.

**REASON:** The current Grievance Procedure does not reflect (a) the Employment Act 2002 (Dispute Resolution) Regs 2004, (b) the ACAS Code of Practice for Disciplinary & Grievance and (c) trends in Tribunal case law regarding grievance resolution.



## **SECTION 2 - REPORT**

### **Brief Background**

Since the introduction of the Employment Act 2002 (Dispute Resolution) Regs 2004, which came into effect on the 1 October 2004, there has been an increase in grievances raised by employees (9 in 2004/2005 to 44 in 2005/2006).

The Council's current Grievance Procedure has three stages leading to a potential prolonged delay in resolving employee's grievances.

The revisions to the Grievance Procedure are to reflect (a) the 2004 Regulations; (b) the ACAS Code of Practice for Disciplinary & Grievance and (c) trends in Tribunal case law regarding grievance resolution. The specific changes made to the Procedure are:

- Replacement of the current three stages and levels of delegated authority to the following three steps:
  - o Step 1 – Employee submits grievance form
  - o Step 2 – Grievance meeting held and chaired by employees line manager
  - o Step 3 – Grievance Appeal meeting held and chaired by a Group Manager or their nominee or Headteacher
- Realistic timescales to enable cases to progress without undue delay
- User-friendly and simple procedure with best practice guidelines to be provided to managers and employees on it's application
- Updated best practice model for adoption by Schools if they so wish

### **Issues to be determined**

Implementation of the Procedure despite agreement not being received from the unions.

Consultation has taken place on an informal basis with UNISON and GMB and formal consultation began on the 10 October 2006. Objections have been raised by the unions regarding the removal of a stage and Director/Member level hearing the final stage.

In response to the removal of a stage, this is to reflect the two stages within the ACAS Code of Conduct on best practice.

The 2004 Regulations gives employees a statutory right to raise a grievance at an Employment Tribunal after they have exhausted the organisations Grievance Procedure. There has been an increase in grievances raised by employees since these regulations have been introduced which suggests employees are exercising this right. The removal of Director/Member level involvement is in response to this. In addition, it will contribute to the Corporate Priority of Tackling Waste and Giving Real Value for Money in as far as there will be more focussed Officer time in resolving grievances in as short a time as possible.

## **Options recommended and reasons for recommendation**

No other options were considered. The revisions to the Procedure will enable a more speedy resolution and consistent with ACAS best practice guidance and meet trends in Tribunal case law. The Procedure ensures fairness and consistency in addressing employee's grievances. The Procedure also supports Schools in the adoption of this Procedure.

## **Resources, costs and risks associated with recommendations**

### *Resourcing*

There are no direct resources other than updating the Intranet and notifying employees of the revision. The revisions contained within the Procedure will eliminate the current involvement at Director and Member level along with the current support required by Democratic Services.

### *Costs*

There are no direct costs of introducing this revised Grievance Procedure. Briefings to managers on the new procedure will be provided by the HR Strategy team within existing resources.

### *Risks*

Changes to the grievance procedure have a direct bearing on employees' contract of employment. The risk of industrial action being taken against the change is low. There is also a low risk of a breach of contract/constructive dismissal claim.

## **Staffing / Workforce Consideration**

The new Grievance Procedure will apply to all staff and is intended to resolve grievances without undue delay.

## **Equalities Impact consideration**

The Grievance Procedure ensures fairness and consistency in how grievances are dealt with. However, monitoring of the use of the procedure and its impact on different social identity groups will be made and reported in the Annual Equality Report.

## **Legal and Financial Comments**

### *Legal Comments*

The revised Grievance Procedure will help ensure that the Council complies with the requirements under the 2004 Regulations to deal with grievances without undue delay.

### *Financial Comments*

There are no direct costs from the introduction of the revised Grievance Procedure. Briefings to managers on the new procedure will be provided by the HR Strategy team within existing resources.

### SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Barry Evans
		Date: 17 October 2006
Monitoring Officer	<input checked="" type="checkbox"/>	Name: Jill Travers
		Date: 17 October 2006

### SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

**Contact:** Vanessa Cooper, Human Resources Adviser, 020 8424 1976

**Background Papers:**

- Revised Grievance Procedure

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	-