

Grievance

1. Introduction

Grievances are concerns, problems or complaints that employees raise with their employer about their work, working conditions or relationships with colleagues. For example, grievances may concern:

- health and safety;
- equal opportunities issues, such as alleged discrimination;
- breaches of statutory rights;
- terms and conditions of employment;
- working environment;
- new working practices or organisational changes;
- performance management issues;
- behaviour of colleagues;
- harassment or bullying (see Appendix 2 for definitions and examples); or
- behaviour of contractors or clients.

We expect that most grievances can be resolved informally in discussion with your immediate line manager or Confirming Officer. If that is not possible, you must use the FC's formal Grievance Procedure.

The Grievance Procedure does not apply where a grievance is raised on behalf of a number of employees by a representative of one of the recognised trade unions. We will deal with that under the separate arrangements for collective grievances.

The FC uses a different procedure for some formal complaints involving breaches of the Civil Service Code. Please refer to Staff Handbook Chapter 4 – Conduct and Security.

2. Resolving Grievances Informally

It is in everyone's interests to make sure that a grievance is dealt with fairly and promptly. This is best done by raising it informally with your immediate line manager as a first step without unreasonable delay.

If the grievance concerns the conduct of your immediate line manager, or a decision taken by them, then discuss it with your Confirming Officer (usually the next manager up).

Wherever possible, your manager will work to resolve the problem **locally**, quickly and without formality through **discussion** and by taking advice, if necessary, from a more senior manager or an HR Case Manager.

Your manager will, even when the matter has been resolved satisfactorily, record in a note to you the issue leading to the complaint (if it was not made in writing), the decision and any action they have taken.

If your grievance relates to poor working relationships with colleagues or difficulties you have experienced with management, you may find voluntary mediation between you and the other individuals will help resolve matters. If you and the other party agree to mediation, the grievance will be suspended while this is pursued.

3. Formal Grievance Procedure

If you cannot resolve the grievance informally through discussion with your line manager, or mediation, and you wish to take it further, or wish to put the grievance on a formal footing from the start, use the formal grievance procedure. This has three stages as described here.

3.1 Stage One - Set Out Your Grievance

If it has not been possible to resolve the grievance informally, you should raise the matter formally and without unreasonable delay, no later than three months from the incident, in writing, explaining the nature of the grievance. Usually this will be to your immediate line manager (normally your Reporting Officer). However, if your immediate line manager was involved in the grievance at an informal stage, or your grievance is about them, then send your grievance to your Confirming Officer.

In instances of harassment and/or bullying you may have been subjected to a series of small incidents over a period of time before deciding to submit a formal grievance. In these situations you should submit your written grievance no later than 3 months after the latest incident to either your immediate line manager or to your Confirming Officer.

Any formal grievance must be in writing explaining the nature of the grievance. The written grievance must be specific.

1. What is your grievance?
2. What are the facts, or alleged facts, that are the basis for your grievance? You should enclose supporting documents, names of witnesses you wish to speak or give evidence on your behalf.
3. In the case of harassment and/or bullying, who the alleged offender is and what effect the harassment and/or bullying has had on you.

4. What happened at the informal stage? (If you used the informal stage).
5. What do you want to achieve by bringing this grievance?

If you raise a grievance about an issue that relates to an ongoing disciplinary investigation, or in the course of disciplinary proceedings, both matters may be dealt with at the same time.

3.2 Stage Two – Meeting to Discuss the Grievance

When you raise a formal grievance, you will be invited to attend a grievance meeting and given a proposed date. This meeting will take place without unreasonable delay and ideally within **10 working days** of your written grievance being received.

You have the right to be accompanied by a Trade Union representative or workplace colleague at this meeting, provided you make a reasonable request to be accompanied and give the name of your proposed companion. If your companion cannot attend on the date offered, you can propose an alternative date provided it is within **5 working days** of the date first suggested.

During the meeting you will be given every opportunity to:

- explain your grievance;
- say how you think it should be resolved; and
- ask questions.

If you wish, your companion may:

- address the meeting to put forward and sum up your case;
- respond on your behalf to views expressed at the meeting; and
- confer with you during the meeting.

However, your companion cannot answer questions on your behalf or prevent other parties from explaining their position.

The meeting may be adjourned and continued at a later date, if the manager considers that it is necessary to allow any investigation to take place, or if mediation is sought.

After any investigation has been carried out, and following the meeting (or, where the meeting has been adjourned, after the end of the continued meeting), the manager will decide what action to take. You will be sent a letter with the manager's decision, which the manager will aim to issue within **5 working days** of the meeting or continued meeting. If it is not possible to respond in this timescale, the manager will explain the reason for the delay and let you know when to expect a decision.

The letter will set out what action the manager intends to take to resolve the grievance. It will also set out a right of appeal, with the name of the **Appeal Manager**, which you may use if you are not content with the proposed action.

3.3 Stage Three - Appeal

If you wish to appeal because you do not feel the grievance has been resolved satisfactorily, you should send your appeal in writing to the Appeal Manager within **10 working days** of the date of the decision letter, setting out the grounds of your appeal. Your appeal will be dealt with impartially and normally by a more senior manager.

The Appeal Manager will write to invite you to an appeal meeting. In that letter they will:

- provide a date, place and time for the appeal;
- confirm the arrangements; and
- state that you can be accompanied by a Trade Union official or work colleague.

The aim is to hold the appeal meeting within **10 working days** of the appeal being lodged.

After the meeting, the Appeal Manager will decide, without unreasonable delay, on the grievance and any action they will take. The Appeal Manager may uphold or overturn the original decision, in whole or in part, and may confirm or alter the action to be taken to resolve it.

The Appeal Manager will write to you with the outcome of the appeal, without unreasonable delay, explaining the reasons for the decision. This is the final stage of the appeal procedure.

If you feel that the grievance procedure has not been followed correctly, you have further right of appeal to the Head of HR Operations. This right of appeal will assess compliance with procedure and will not review the outcome of the grievance. A procedural appeal should be made in writing to the Head of HR Operations, within 10 working days of receipt of the appeal outcome letter, and highlight the key elements of the procedure that you feel were not followed.

4. Senior Staff

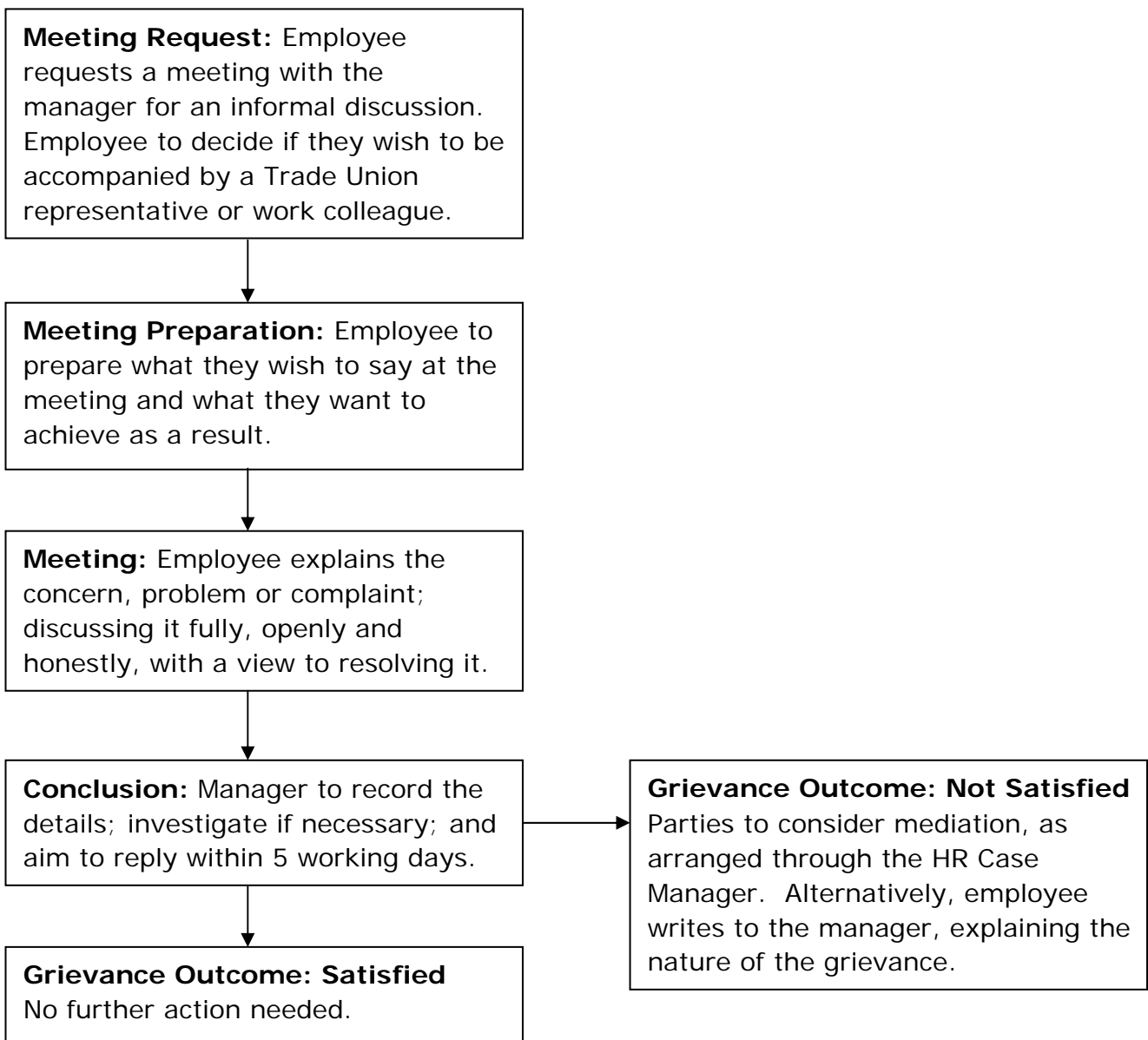
If you are in Pay Band 1 or the Senior Staff Group, you should raise any formal grievance under Stage 1 with your Reporting Officer. Any appeal following Stage 2 would be to the Confirming Officer. Where the Director General is the Reporting Officer, the appeal will be to the Chairperson, or the Chairperson's nominated delegate.

Appendix 1

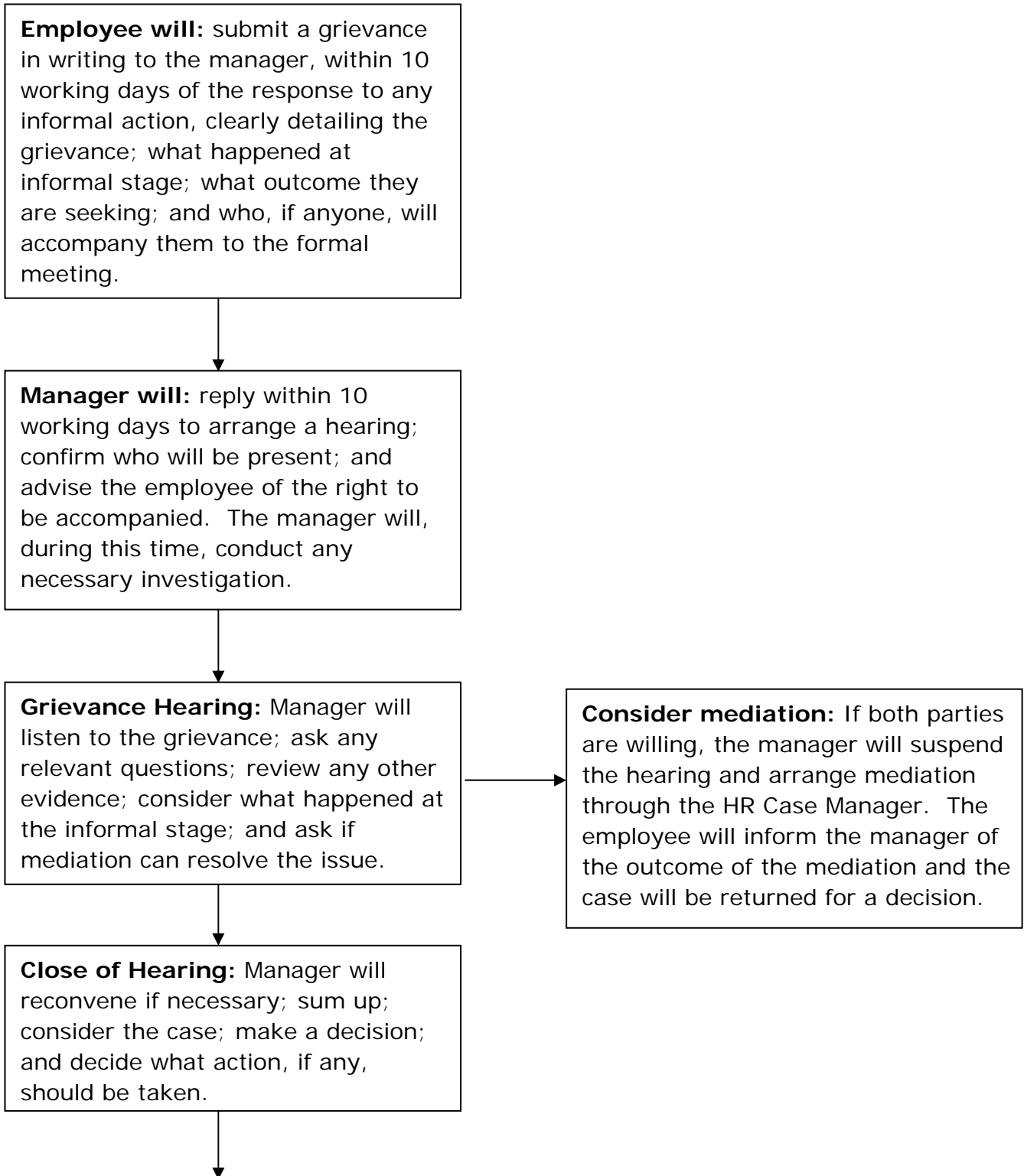
Flowcharts

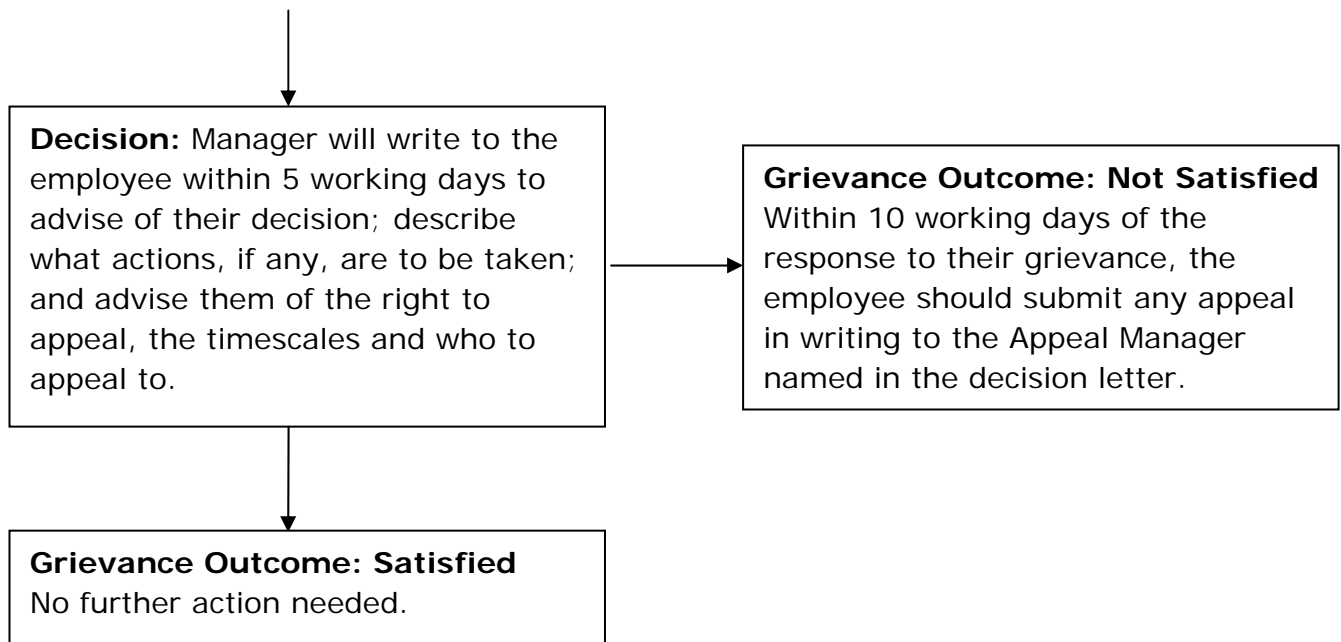
1. Grievance: Informal Procedure

Managers and employees should always attempt to resolve any concern, problem or complaint informally in the first instance. Employees must raise any complaints as soon as possible and no later than three months from the incident.



2. Grievance: Formal Procedure





Appendix 2

Examples of Harassment and Bullying

1. Harassment

Harassment is unwanted conduct that has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The harassment may be related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic of the individual and may be repetitive and persistent or a very serious one-off event. The key is that the actions or comments are viewed as unwanted, demeaning, and unacceptable to the recipient, even if this effect was not intended by the person responsible for the conduct and even where the recipient does not have the particular personal characteristic that was the subject of the harassment.

Behaviour can also amount to harassment even if it is not targeted at an individual and regardless of whether that individual possesses the personal characteristic that is being discussed. It will be enough that the behaviour creates an atmosphere at work that causes offence to a particular member of staff, or makes him or her feel uncomfortable.

Employees are legally protected from harassment by people (third parties) who are not FC employees (e.g. customers, suppliers, contractors, employees of partner organisations, etc.). Where an individual has been harassed at work on at least two previous occasions, whether by the same party or by different parties, and the employer has taken no steps to prevent it from happening again, the employer may be liable for the harassment on the third occasion.

Examples of harassment include (but are not limited to) the following:

- verbal or physical threats or abuse, including derogatory or stereotyped statements or remarks;

- displaying or circulating racially offensive or sexually suggestive or offensive material, such as pin-ups or pornography (including material accessed via the Internet);
- leering, rude gestures, touching, grabbing, patting or other unnecessary bodily contact such as brushing up against others;
- using offensive language to describe someone with a disability or making fun of someone with a disability;
- making personal comments about a person's physical appearance or character which causes them embarrassment or distress;
- unwelcome attention, such as spying, pestering, overly familiar behaviour or unwelcome verbal or physical attention;
- making or sending unwanted, sexually suggestive, hostile or personally intrusive communications, including phone calls, texts, e-mails, faxes or letters;
- unwarranted, intrusive or persistent questioning about an individual's personal life or background;
- unwelcome sexual advances or repeated requests for dates or threats or suggestions that sexual favours may further a person's career or that not offering them may adversely affect their career;
- unwelcome or unequal behaviour or comments towards a person who cares for, or associates with, another person who has a protected characteristic, even though they themselves may not share that characteristic;
- poor behaviour towards, or ostracisation of, an individual who has raised or supported a complaint or grievance in relation to one of the protected characteristics (not applicable in cases of maliciously making or supporting an untrue complaint);
- innuendo, mockery, lewd or sexist/racist jokes, banter or remarks.

2. Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end. Bullying normally relates to negative behaviours that are repeated and persistent, vindictive, cruel or malicious, often unpredictable and deliberately targeted at a particular individual. Bullying will inevitably erode the victim's confidence and self-esteem. Bullying can also arise even when a person is unaware of the effect their behaviour is having on someone else.

Examples of bullying include (but are not limited to) the following:

- derogatory, irrational and unpredictable attacks on an individual;
- verbal abuse, such as shouting or swearing at staff, colleagues or service users either in public or private;
- personal insults;
- belittling or ridiculing a person, or his/her abilities, either in public or private;

- fabricating and/or spreading malicious rumours or insulting someone;
- sudden rages or displays of temper against an individual or group, often for trivial reasons;
- subjecting someone to unnecessarily excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things;
- persistent **and** unjustified criticism;
- setting unrealistic deadlines or making unreasonable demands of staff, colleagues, or service users;
- setting menial or demeaning tasks which are inappropriate to the job or taking away areas of work responsibilities from an individual for no justifiable reason;
- isolating, ignoring or excluding an individual e.g. from social events, team meetings, discussions and collective decisions or planning;
- making threats or inappropriate comments about career prospects or job security;
- deliberately undermining a competent member of staff by overloading them.

3. Support for Staff

Confidential support and advice for anyone involved in harassment and/or bullying may be sought via FC Harassment Contact Officers, FCTU Harassment Advisors, and People Support.