Grievance Policy and Procedure

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SURREY COUNTY COUNCIL

Contents

Grievance Policy and Procedure 1
1. Policy Statement 3
2. Policy Scope 3
3. Roles and Responsibilities 3
4. Timescales for raising a Grievance 4
5. What is a Grievance? 4
6. Informal Procedure 5
7. Mediation 5
8. Formal Procedure – Stage 1 6
8.1 Grievance Hearing 6
8.2 Investigation 6
8.3 Potential Outcomes 7
9. Appeal Process – Stage 2 7
10. Timescales 8
11. Scheme of Delegation 8
12. Remote Proceedings: 9
13. Recording Meetings 9
14. Collective Grievances 9
14.1 Difference between a Collective Grievance and a Collective Dispute 9
14.2 Raising a formal collective grievance 9
14.3 Hearing the formal collective grievance 10
14.4 Appeal 10
14.5 Dealing with grievances individually 10
15. Bullying, Harassment and Discrimination 11
16. Grievances raised during other formal HR processes 11
17. Natural Justice 11
17.1 Natural Justice and the identity of witnesses 12
18. Victimisation 12
19. After Employment 12
20. Relevant Legislation 13
21. Documents Associated with this Policy 13
22. Other Resources 13
23. Related Policies 13
24. Glossary 13

1. Policy Statement

The Grievance Policy and Procedure aims to create a working environment in which all employees can freely raise concerns and seek a resolution promptly, fairly, and informally wherever possible.

It should be read in conjunction with the Guide to Ensuring a Fair Process and Providing Employee Support and the guide to Roles and Responsibilities in Disciplinary and Grievance Proceedings.

Every employee has the right to raise a grievance relating to matters of employment, matters affecting them as an individual, or affecting their personal dealings or relationships with others within Surrey County Council or their School. The council/ governing body takes employee grievances very seriously and they will be dealt with confidentially and with appropriate consideration.

The council/ governing body recognises that these processes can be very difficult for all involved and will support all parties appropriately throughout the entire process. Everyone involved in the process is entitled to be treated courteously and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct.

If allegations made during the informal or formal process are found to be malicious and/or vexatious, formal action may be taken against the individual who made the false allegations.

The Grievance Policy and Procedure does not cover collective disputes that are the subject of formal collective bargaining between the Council and its recognised trade unions. A dedicated Collective Disputes Policy is in place to cover those matters.

The Grievance Procedure may not be pursued as an alternative to the Disciplinary Appeals Procedure.

Should an employee wish to raise concerns about misconduct or wrongdoing in relation to The Public Interest Disclosure Act 1998 please refer to the Whistleblowing Policy.

The council/governing body has a separate Ending Bullying and Harassment Policy that should be referred to in addition to this policy for issues of that nature.

2. Policy Scope

This policy applies to all employees on Surrey Pay terms and conditions of employment and those employment groups who choose to adopt Surrey Pay policies e.g., Youth & Community Workers and Educational Psychologists. It will also apply to employees in schools where the council is the employer of staff, and in other maintained schools who choose to adopt the policy.

The policy does not apply to Firefighters who have separate arrangements.

3. Roles and Responsibilities

Line Managers and School Governing bodies are responsible for implementing the policy and procedure in a fair and consistent manner.

All employees will be responsible for engaging with and adhering to this policy and procedure.

Trade Unions will be consulted regarding the content of the policy and procedure and will be reasonably available to support and represent their members.

The People & Change team will be responsible for ensuring compliance with this policy and procedure and provide advice and guidance where necessary (Schools are advised to seek professional HR advice).

All parties will be expected to apply the policy and procedure correctly.

4. Timescales for raising a Grievance

Grievances will normally only be considered where the grievance relates to an event or decision that occurred, or that came to light, within the previous 3 months. Where the grievance was initially raised and documented informally but later moved to the formal procedure, the event/decision should normally have occurred or come to light within the 3 months prior to the grievance being first raised informally.

Where an employee has raised a grievance informally to their line manager, if they feel that the grievance has not been resolved, they must submit a formal grievance within 3 months of the date they raised it informally. If the grievance is not raised formally within these timescales, it will normally be considered out of scope.

For example:

X raised a grievance informally by email to their line manager in March 2024 concerning events that happened in December 2023. Despite attempts to resolve the informal grievance, it was not resolved informally, and X raised a formal grievance in May 2024. Although the events took place in December 2023 (5 months before the formal Grievance was raised), X would still be able to raise a formal grievance in May 2024 because they had raised it informally within 3 months of the events occurring and then raised it formally within 3 months of the initial informal grievance to the manager.

5. What is a Grievance?

Grievances are concerns, problems, or complaints that an employee has about some aspect of their work. For example, it could be about a work colleague or a manager, a decision, a policy, the application of a policy or a working relationship.

Issues that may cause grievances include, but are not limited to:

- terms and conditions of employment (issues which are not subject to collective bargaining or agreement)
- health and safety
- personal relationships at work
- new working practices
- working environment
- workplace adjustments
- organisational change (if formal consultation has closed)
- equal opportunities
- bullying and harassment (see separate policy).

6. Informal Procedure

Most grievances can be and are best resolved informally. The council/school encourages all employees to seek to resolve grievances in an informal and positive way in the first instance, as this can often lead to a swift resolution of the problem. An informal restorative conversation between the parties involved might be helpful. The parties involved should document any meeting or discussion for future reference. There are lots of helpful resources regarding restorative action available on the wellbeing support hub or for subscriber schools on the Surrey Education Services Hub, or via the school's HR provider.

Grievances should normally exhaust all informal measures prior to the grievance being dealt with through the formal process and in most cases, we would expect employees to positively engage with the informal restorative approach. If it becomes evident that the informal procedure has not been fully exhausted the grievance may not be heard under the formal process. This may not be appropriate in all circumstances (for example serious matters of bullying, harassment, or discrimination).

Where a grievance cannot be resolved informally it should be dealt with under the formal grievance procedure, and without unreasonable delay, by a manager who is not connected to the grievance.

7. Mediation

Mediation is a restorative approach to support employees and managers in resolving differences and conflict at work or and/or to rebuild relationships.

Mediation could be in the form of an informal restorative conversation between the parties involved (see section 6 above) or it could be a mediation meeting with the aggrieved parties facilitated internally or by an external mediator. Mediation that is supported by an external company will, however, only be provided and paid for centrally following the outcome of a formal process. If there is a need to use externally supported mediation following an informal process, the cost will be charged to the Service/School.

The restorative approach recognises that the quality of working relationships may be influenced by certain issues or incidents and seeks to provide ways in which colleagues can constructively address these to find a positive way forward.

Mediation can be used in circumstances such as these:

- To address a range of issues, including relationship breakdown, personality clashes and communication problems
- To rebuild relationships after a formal dispute has been resolved.

As the aim of a grievance process is to try and find a positive way forward, we expect employees to positively engage with the restorative approach. Refusal to engage with the restorative approach whilst continuing to raise grievances against others may be considered vexatious.

Further advice on mediation can be found on the wellbeing support hub or by contacting my HR Helpdesk.

8. Formal Procedure – Stage 1

If an issue has not been resolved despite exhausting the informal measures, or where the grievance is considered of such a serious nature that immediate escalation to a formal process is considered appropriate the employee should submit their grievance in writing using the Grievance Statement Form 1, clearly setting out the main points of their grievance. They should detail what restorative action has already taken place and what resolution they are seeking.

The grievance should be submitted to the employee's direct line manager, where this is not appropriate it may be sent to a more senior member of management, as soon after an incident occurs to ensure the issue can be dealt with in a timely manner. The manager will acknowledge receipt of the grievance within 10 working days of receiving the grievance. The manager should send a request via the helpdesk to have a People Consultant appointed to support the process. Schools should seek professional HR support.

Where an employee requires additional support, they may like to seek help from a trade union representative or colleague. In addition, it may be appropriate to inform the receiving manager of any reasonable adjustments which may be required during the process.

8.1 Grievance Hearing

The employee will be invited to a formal hearing with at least 5 days' notice of the hearing date, to discuss the points raised within their grievance statement. Depending upon the nature of the grievance, the hearing will be chaired by either the employee's line manager, a senior manager in the team or an independent manager appointed by the Head of Service/Headteacher.

Employees are entitled to bring a trade union representative or work colleague with them to the grievance hearing. However, the employee must inform the grievance hearing chair in advance of the hearing.

The purpose of the hearing is to ensure that the employee's main points of concern are understood. The employee will have an opportunity to explain their grievance, ask questions, show any evidence they have and provide details of any witnesses.

The hearing also provides an opportunity for the chair to ask questions and to discuss with the employee how they feel their grievance could be resolved.

The chair might need to arrange an investigation so that they can make a fair decision and, if necessary, they can set up another meeting with the employee once they have found out more information, if they need to, but this may not always be necessary.

Within 5 working days of the hearing, the employee will be sent a copy of the hearing record and notes taken and will be asked to confirm that the records are accurate.

If no investigation is needed, the employee will be notified of the outcome within 10 working days of the hearing (see section 8.3 Potential Outcomes).

If further investigations are needed, the chair should explain how long the delay might be and why. It should also be agreed in the hearing how the outcome will be delivered.

8.2 Investigation

As far as possible, the employee's grievance will be kept confidential. However, depending upon the nature of the grievance, we will normally need to carry out an investigation, which will involve sharing information with those involved in the investigation.

Where the grievance relates to the behaviour of or a decision made by another employee, to enable a thorough investigation to take place, the allegations will be disclosed to the alleged perpetrator. The alleged perpetrator has the right to know the case against them, to be able to provide a full and robust response. In some limited circumstances, information may be withheld to protect the identity of a witness, for example, in cases relating to severe harassment, safeguarding or criminal matters.

Depending upon the nature of the grievance, the investigation may be carried out by the employee's line manager; a more senior manager within the team or by an impartial investigator appointed by the Head of Service/ Headteacher. The level of investigation and time it will take will vary depending on the nature of the grievance.

The employee will be given a copy of any evidence collated during the investigation. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, the employee will be provided with an appropriate summary of evidence.

8.3 Potential Outcomes

A decision, where possible, will be communicated verbally and subsequently confirmed in writing with the findings and if necessary, any recommendations outlined.

The possible outcomes following a grievance hearing are as follows:

- The grievance is upheld in full, or
- The grievance is not upheld, or
- The grievance is partially upheld – i.e., the grievance Chair agrees with some of the employee's concerns, but not others.

Any formal actions arising from the grievance process (e.g., disciplinary) will be managed confidentially and in line with council policy. The employee who has raised the grievance does not have the right to be informed about any formal actions that are taken.

9. Appeal Process – Stage 2

If an employee is dissatisfied with the outcome of their grievance, they may appeal the decision in writing to the person identified in the outcome letter within 10 working days of receiving the outcome letter. The employee must clearly state their grounds of appeal. The appeals process aims to review the original outcome and make a final decision or recommendation(s) on the outcome of the grievance.

The appeals process will not reinvestigate the original complaint but rather consider the points raised in the appeal and whether the original conclusion reached by the grievance chair was appropriate.

If the appeal letter does not clearly set out the grounds of the appeal further clarity may be sought on the appeal points prior to the appeal hearing taking place. Appeals can be made on the following grounds:

- The grievance has not been resolved satisfactorily
- The process was not followed appropriately
- New evidence has come to light, that could not be investigated in the first instance

New evidence will only be considered if it is relevant and there was a good reason why it was not provided as part of the original investigation.

The appeal will be heard by a manager, more senior than the Stage 1 Grievance hearing chair, who has not previously been involved in the proceedings. The employee will be advised of their right to be accompanied by a Trade Union official or work colleague.

Once this process has been exhausted, there is no further right of appeal.

10. Timescales

A grievance case which enters the formal stages will be concluded within a reasonable amount of time, what is reasonable will depend on the circumstances of each individual case. All parties including trade union representatives, if applicable will be kept informed in writing of timescales and the progress of the case on a regular basis as appropriate.

If the grievance process is still unresolved two months after the date of the original submission of the grievance, the aggrieved employee may contact the relevant Head of Service, or other appropriately senior manager, and request their intervention. The Head of Service (or other senior manager) will respond to the employee within two weeks, outlining the reasons for the delay and committing to a firm timescale for a final response/resolution.

The manager will give a written response to the employee stating whether the grievance is upheld or not, and the reason(s) for this decision within 10 working days of the hearing concluding.

11. Scheme of Delegation

When a grievance has been raised it will be heard by a member of management more senior to that of the individual raising the concerns.

For example, a general employee raises a grievance, their line manager or a manager of equal seniority (who is impartial) will be appointed to hear the grievance. The equivalent principles will apply in schools.

Should a member of management raise a grievance, an impartial member of the leadership team will be appointed to hear the grievance.

Schools: Concerns relating to the headteacher:
Grievances which relate to the actions of the headteacher should be taken to the Chair of the governing body who will nominate a different governor to address the grievance.

If the headteacher has a grievance, he/she should inform the Chair of the governing body in the first instance, who will either seek to resolve the grievance him/herself or identify a different governor to do so, where this is more appropriate.

Should an employee occupying the position of Chief or Deputy Chief Officer wish to raise a grievance they should do so via the council's Monitoring Officer, who will oversee the process and update the Leader of the Council (or a Cabinet Member designated by the Leader) on its progress. If a Chief of Deputy Chief Officer wishes to raise a grievance but feels it would not be possible or practicable to do so via the Monitoring Officer, they should discuss the issue with the council's Director of HR & OD. Where appropriate, the Director of HR & OD may be a designated contact.

12. Remote Proceedings:

Meetings under this procedure will normally be held face-to-face, however where that is not possible or where reasonable workplace adjustments are needed, we will conduct the process remotely. We will ensure that employees and their representatives have access to the necessary technology for participating. We will ensure that the procedure remains fair and reasonable.

13. Recording Meetings

We will take a written record of all meetings conducted under this procedure. This will be done either by the person holding the meeting or by an additional person arranged by us to take notes.

Neither the employee nor any person acting on their behalf is normally permitted to record electronically any meeting that we hold under the Grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. (Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.)

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

14. Collective Grievances

A grievance is a complaint raised by an employee about something they are unhappy with in the workplace. Therefore, a ‘collective grievance’ is a concern shared by two or more employees.

If two or more employees have an identical grievance and they wish to have that grievance addressed in one grievance process, they can raise a collective grievance.

If a collective grievance is being raised, the requirements set out in this policy are varied as described in the sections that follow.

14.1 Difference between a Collective Grievance and a Collective Dispute

A collective grievance is different from a collective dispute. A dispute is a disagreement concerning an employee’s statutory or contractual rights or entitlements. Dispute matters will be handled in line with the procedure as set out in the Collective Disputes Policy, as they are subject to collective bargaining or collective agreement.

14.2 Raising a formal collective grievance

The Grievance Statement Form should be clearly headed Formal Collective Grievance. The grievance must be submitted in one document and must clearly identify each employee raising the collective grievance. One of the employees must be nominated to act and speak on behalf of all the employees throughout the grievance process and the Grievance Statement Form must identify which employee has been nominated. If all the employees are members of the same trade unions, a trade union representative may raise the collective grievance on the employees’ behalf. If the employees are members of different trade unions, representatives from the

relevant unions may attend meetings, however it is still the case that one collective formal grievance statement should be submitted.

14.3 Hearing the formal collective grievance

The employee nominated to represent the group will be invited to attend a collective grievance hearing. That employee will be entitled to be accompanied by a fellow employee or trade union official. Following the grievance hearing, one identical outcome will be given. The nominated employee will be notified of the outcome in writing and of any action that will be taken as a result of the collective grievance (other than formal actions taken against other employees).

14.4 Appeal

If the nominated employee or any of the other employees who are part of the collective grievance are dissatisfied with the outcome of the collective grievance, a formal appeal may be submitted in writing to the person identified in the outcome letter within 10 working days of receiving the outcome letter. The appeal should be headed Formal Collective Appeal and must be made for one of the grounds outlined in section 9 above.

The appeal must be submitted in one document and must clearly identify any of the employees who are withdrawing from the process and all the employees who are appealing the decision. The formal collective appeal must also identify which employee or Trade Union Representative has been appointed to be the nominated representative throughout the appeal stage.

If only one employee wishes to appeal, the normal grievance procedure as outlined in section 9 above will apply to the appeal.

The nominated representative will be invited to a grievance appeal meeting and is entitled to be accompanied by a fellow employee or trade union official. Following the appeal meeting, one identical outcome will be given, and the nominated representative will be notified of the outcome in writing.

In the Council the outcome of the collective appeal is normally final, however recognised trade unions, employing the collective grievance process, may request an appeal to PPDC if the formal process has been exhausted, including the internal collective appeal, without a satisfactory conclusion. Requests to appeal to PPDC should be made to the Director of People & Change, who has the right to decline the request if it is deemed not appropriate or not required and a written rationale for this will be provided.

In schools the outcome of the collective appeal is normally final, however in exceptional circumstances recognised trade unions employing the collective grievance process, may request an appeal to the Chair of Governors if the formal process has been exhausted, including the internal collective appeal, without a satisfactory conclusion. Request to appeal to the Chair of Governors should be made to the Headteacher, who has the right to decline the request if it is deemed not appropriate or not required and a written rationale for this will be provided.

14.5 Dealing with grievances individually

We will endeavour to reach a consensus on the best way to hear the collective grievance, but reserve the right to hear your grievances individually:

- If not all the employees sharing the same grievance voluntarily agree to the collective grievance process
- If the grievances are not all -materially the same
- Where we feel that it would be in the best interests of the employees
- In exceptional circumstances

15. Bullying, Harassment and Discrimination

The council/governing body takes complaints or issues about unacceptable behaviour towards employees seriously and wants individuals to have the confidence to report concerns around bullying, harassment, and discrimination without fear of victimisation.

We have a separate Ending Bullying & Harassment Policy which goes into further detail. However, formal complaints related to bullying, harassment or discrimination will be handled in accordance with this Grievance Policy and Procedure.

16. Grievances raised during other formal HR processes

If an employee has a concern relating directly to the instigation or application of a formal HR process (for example, Absence, Capability or Disciplinary), there is opportunity within that process for the concern to be raised. It is not necessary for the employee to raise a grievance through this grievance procedure. In most cases the concern will be considered and addressed as part of the proceedings of the HR process to which it relates, and the process will not automatically be paused to hear the concern separately.

Depending on the concern being raised there may be occasions when a formal HR process is paused at the discretion of the council whilst that concern is heard separately through this grievance procedure. For example, in some cases of alleged discrimination in the application of the HR process. If such allegation is made the manager hearing the grievance can consider if the HR process will continue.

If an employee raises a concern during a formal HR process that is unrelated to the instigation or application of that process their concern will be addressed separately. The proceedings of the HR process and the proceedings of the grievance procedure will run independently and, to ensure that the concern is dealt with fairly and promptly, may run concurrently.

In all cases a judgement should be made on the most appropriate way of handling the two issues without unreasonable delay; it is rare that it will be necessary to postpone formal proceedings to deal with other concerns raised. HR advice should be sought if the appropriate course of action is unclear.

17. Natural Justice

To enable a fair and transparent grievance process any employee against whom a grievance has been made has the right to know the nature and sufficient details of the grievance to respond.

- The employee(s) who are the subject of a grievance have a right to see all relevant supporting documentation. Supporting documentation may include the stage 1 grievance form (or parts of the grievance which relate to the accused individual(s) if there are several parts) and any witness statements. In exceptional cases, where it is felt necessary (see 20.1 below) some of the supporting documentation may be redacted or summarised to protect witnesses.
- It is important that no decision is taken until the grievance has been fully investigated and the individual against whom the grievance has been made has also had the opportunity to respond to all points.
- The individual(s) cited in the grievance will be advised once the case has been closed. They will also be made aware of any recommendations which directly relate to them.

17.1 Natural Justice and the identity of witnesses

To allow the accused individual the opportunity to prepare their case and fully respond to the allegations, the identity of witnesses cannot normally be kept anonymous.

Witnesses will be made aware that their statement will not be anonymised and will be shared with the accused. Witnesses who partake in any proceedings are protected from victimisation.

Only in exceptional circumstances, where the witness is genuinely fearful of the repercussions would the council/school consider anonymising, redacting, or summarising the contents of a statement. The chair would need to provide a detailed case as to why the statement is anonymised and ensure they have explored the possibility that the witness may have reason to fabricate their evidence.

It is important that the wellbeing and mental health of all those involved in the grievance process is considered. Available support options should be communicated and offered on a regular basis by the grievance chair.

18. Victimisation

Victimisation occurs when an individual mistreats an employee because:

- They make or support a complaint or grievance
- Raise a grievance under the Equality Act 2010
- Are suspected of making a complaint or raising a grievance Examples of victimisation may include:
- Ignoring or excluding someone
- Blocking opportunities, such as training or career progression
- Bullying or harassing an individual who has made, or is suspected of making, or supporting grievance proceedings.

Surrey County Council/ the school governing body will not tolerate any form of victimisation. In such circumstances it may be appropriate to take disciplinary action against the perpetrator of such behaviour.

19. After Employment

Wherever possible, a grievance should be dealt with under the above procedure before an employee leaves the council. However, a former employee may submit a grievance up to three months after their employment has ceased.

Where it is not reasonably practicable to apply the above procedure, or by agreement between the former employee and the council, a modified procedure can be applied. Under the modified procedure, the former employee shall set down in writing the nature of the alleged grievance and any relevant evidence and send it to their previous line manager or another member of senior management. The council will consider the grievance and respond in writing.

There is no right to appeal the outcome of the modified procedure.

20. Relevant Legislation

Equality Act 2010
The core principles relating to the handling of grievances are set out in the Acas Code of Practice on disciplinary and grievance procedures and its accompanying Acas guide to discipline and grievances at work which are adhered to in this Policy and Procedure.

21. Documents Associated with this Policy

Grievance Guidance document

22. Other Resources

Wellbeing support hub (not available in schools)

23. Related Policies

Ending Bullying and Harassment Policy
Collective Disputes Policy

24. Glossary

Acronym or term	Definition
Surrey County Council	Defined as the Employer in this policy. It can also be referred to as the Council and/or organisation. Note that where Voluntary Aided or Foundation schools choose to adopt this policy, the employer will be the Governing Body.
Collective Grievance	A collective grievance is a grievance shared by a two or more employees. The shared grievance must be identical, and the employees must wish to have that grievance addressed in one grievance process.
Collective Dispute	A collective dispute is a disagreement raised by a recognised Trade Union concerning employees' statutory or contractual rights or entitlements that are subject to collective bargaining or collective agreement. The council has a separate Collective Disputes Policy.