



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Grievance/ disputes procedure

1. Introduction

- 1.1 Grievances are concerns, problems or complaints that may arise from time to time during the course of your employment. Issues that may cause grievances include things like terms and conditions of employment, health and safety, organisational change or new working practices.
- 1.2 You can use this procedure, either on your own or with colleagues, to address grievances/disputes arising in the course of your employment within the Information Commissioner's Office (ICO). This policy and procedure applies to all staff employed by the ICO.
- 1.3 Separate procedures exist for dealing with cases of harassment or bullying and also for dealing with 'whistle-blowing' (in other words, concerns about what is happening at work). The Dignity at Work Policy or Whistle-blowing Policy should be used in these instances. If you are not certain of the correct policy to use, the HR Team will be able to advise you.
- 1.4 Management and trade unions are jointly committed to resolving differences quickly and fairly, and as soon as possible after they arise. This formal procedure will only be applied when a grievance or dispute cannot be resolved informally through discussion with those involved.
- 1.5 If your grievance is proven to be malicious or vexatious, you will be subject to disciplinary action and formal action may be taken against you in line with the ICO's Disciplinary Procedure.

2. Aims of the policy

- 2.1 The aim of this policy is to provide:
 - a mechanism for grievances to be dealt with quickly, fairly and consistently;
 - a mechanism for complaints to be properly investigated and addressed; and
 - guidance to staff and managers about how to raise and address grievances informally and formally.

3. Right to be accompanied

- 3.1 You have the right to be accompanied at any stage of the formal procedure by your trade union representative or by an ICO colleague.

- 3.2 You have no right under this procedure to be accompanied by anyone else (such as a husband, wife or partner, other family member or legal representative) except those people referred to in 3.1.

4. Human Resources Team

- 4.1 An appropriate member of the Human Resources (HR) Team will be involved in all stages of the formal procedure.
- 4.2 The HR team will provide advice as to which policy and procedure should be used in specific circumstances where there is uncertainty.

5. Arranging meetings

- 5.1 To avoid meetings having to be delayed or postponed at the last minute, the manager hearing the grievance/dispute should agree a mutually convenient time and date for the meeting with you and your trade union representative or fellow ICO colleague, in line with the time limits set out in this procedure. The manager should ensure that you receive a written invitation to attend the meeting.
- 5.2 If your trade union representative or ICO colleague cannot attend on the date proposed, you can suggest an alternative time and date for the meeting within the next five days. In proposing an alternative date, you should consider the manager's availability. For instance, it would not be reasonable to propose a new date for the meeting when you knew that the manager was going to be out of the office.

6. Status quo

- 6.1 For the purposes of this procedure, 'status quo' means the working arrangements or practices in place immediately before the event causing the grievance/dispute occurred.
- 6.2 We will not take any action that will affect the status quo (except where working practices are dangerous, where there is a breach of statute, or where there would be a significant impact on employee welfare or the reputation of the organisation) until the issue has been resolved or the formal stages of the procedure have been completed.

7. Informal procedure

- 7.1 If you want to raise a grievance, you should first discuss the matter informally with your immediate line manager, who should respond within two working days to confirm what action, if any, will be taken.

- 7.2 If, for some reason, you consider it inappropriate for your line manager to hear your case, you should consult HR who will advise you accordingly.
- 7.3 If a group of you have a grievance, you can nominate two people from the group to represent you in discussions with your immediate line manager (this is in addition to your trade union representative, if appropriate).
- 7.4 If trade union representatives want to raise a grievance that relates to the interpretation or application of policies and procedures within the ICO, they should first discuss the matter with the appropriate manager or a member of the HR Team with a view to resolving any differences as soon as possible after they arise.
- 7.5 If you are not satisfied with your immediate line manager's response to your grievance/dispute, you should refer the matter to stage 1 of the formal procedure (see section 8.2) within five working days of receiving your line manager's response. The HR or trade union representative can advise you on the next appropriate level of line manager to whom your complaint should be sent to.

8. Formal procedure

8.1 Group of employees

- 8.1.1 At each formal stage of the procedure, if you are one of a group of ICO employees involved in the grievance/dispute, between you, you can nominate two members of your group to represent the group in discussions with your immediate line manager (this is in addition to your accredited trade union representative, if appropriate). Appendix 1 of this procedure explains how the meetings should be conducted.

8.2 Stage 1

- 8.2.1 You or your trade union representative should write to the next level of manager (in other words, your line manager's line manager), informing that you are raising your grievance under stage 1 of the formal grievance procedure. Your letter should briefly explain the nature of your grievance, why you are not satisfied with the result of the informal procedure, and what outcome you want to see.
- 8.2.2 A meeting will be held between you and the manager within 10 working days of the date of your letter, if possible. The outcome of the meeting will be confirmed in writing.

- 8.2.3 If you are still not satisfied after this meeting, you should refer the matter to stage 2 of the formal grievance procedure (see 8.3) within five working days of receiving the manager's response.

8.3 Stage 2 (Appeal)

- 8.3.1 You or your trade union representative should write to the Director of Human Resources explaining why you are referring your grievance under stage 2 of the formal grievance procedure. Your letter should briefly explain the nature of your grievance, why you are not satisfied with the outcome of stage 1 of the grievance procedure, and what outcome you want to see.
- 8.3.2 A meeting will be held within 10 working days of the date of your letter, if possible. The appeal will be heard by a member of the Executive Team and an appropriate HR representative. The outcome of the meeting will be confirmed in writing.
- 8.3.3 This is the final stage of the ICO's internal appeals procedure. If you are still not satisfied, you may be able to apply to an employment tribunal, but you should get legal advice first.

8.4 Records

- 8.4.1 At the end of each formal stage of the grievance procedure, the manager hearing the case (Chair) will send you written confirmation of the decision within three working days of the meeting. The letter should record the outcome and the terms of any agreement reached in resolving the grievance/dispute. The letter should also explain who you can appeal to if you are still not satisfied.
- 8.4.2 A copy of the outcome letter will remain on your personnel file.

9. Resolution procedures

- 9.1 In exceptional circumstances the Information Commissioner, or someone nominated by the Commissioner, can intervene at any stage of the procedure to resolve or close the grievance/dispute.
- 9.2 Where practicable, the outcome of your grievance/dispute will apply from the date that you formally raised it.
- 9.3 For the purposes of this procedure, an 'appropriate manager' is a line manager who is authorised to make a decision on the subject of the grievance/dispute.

10 Other agencies

- 10.1 The parties to the dispute may, by mutual agreement, seek the advice or assistance of appropriate external organisations within an agreed timescale. Under certain circumstances, this may include ACAS for reconciliation or arbitration.

11. Start date

- 11.1 This procedure has been agreed with trade union representatives and was adopted by the ICO Executive Team on 1 November 2006.
- 11.2 The Director of Human Resources will periodically review this procedure, following changes in the law, significant developments in employment law, or at the request of the Joint Consultative Committee.

Appendix 1

Conduct of meetings

Meetings convened under the formal grievance/dispute procedure should follow the steps outlined below.

Roles

The manager hearing the case (Chair) is responsible for making a decision based on the evidence presented by both parties.

The HR representative is there to advise the Chair on how the hearing is conducted and to offer advice when the Chair is coming to a decision.

You and your representative (if you have one) must explain why you have raised the grievance and what you think the solution/remedy should be.

The line manager will be asked for their view and reasons/justifications for the decisions made to date relating to your grievance, including any actions taken to try and resolve it. The line manager may be supported in this by a member of the HR Team.

- **Introductions**

The Chair hearing the grievance/dispute should introduce everyone present, explain the purpose of the meeting (in other words, to consider whether your grievance/dispute can be resolved), and explain how the meeting will be conducted.

- **Statement of the grievance/dispute**

The Chair should establish precisely what the grievance/dispute is and invite you (or your nominated group member) to present your case and any relevant supporting information.

- **Manager's reply**

If your grievance/dispute has already been heard by a manager at an earlier stage in the procedure, that manager should be given the opportunity to present their case and any relevant supporting information.

- **Conduct**

The meeting should be conducted courteously and fairly, with the emphasis being to establish the facts. For this reason, all parties should be free to ask questions politely and comment appropriately.

- **Summing up**

After general questioning and discussion, both parties (if appropriate) should be given the opportunity to summarise their main points, with the employee having the right to go last.

- **Adjournment**

The Chair should consider his or her decision in private, with the HR representative. If it is necessary to recall one or other of the parties to clarify any points of uncertainty on evidence already given, both parties should be invited to return.

- **The decision**

All appropriate parties will be recalled and the manager hearing the case (chair) should inform them of the decision. Alternatively, the Chair may decide that further consideration is required and may inform them of the decision in writing.

Standard letter 1

Inviting an employee to attend a grievance hearing

Dear **(name)**

Hearing under the ICO formal grievance procedure

Following your **stage 1/2** grievance, which I received on **(date)**, I have arranged a hearing at **(time)** on **(date)** at/in **(venue)**.

I will hear the grievance, and **(name)**, the HR adviser will also be in attendance.

You can be accompanied at the grievance hearing by your trade union representative or an ICO colleague.

Please let me know by ----- whether you can attend.

Yours sincerely

Note: A HR representative will be present to advise at stage 1 and 2.

Standard letter 2

Outcome of the hearing

Dear **(name)**

Outcome of the grievance hearing held on **(date)**

Having very carefully considered the points raised by you, your trade union representative **(name)** and your supervisor/manager **(name)**, I have made the following decision.

(include here specific details of your decision)

If you are not satisfied with this decision, you can go on to stage 2 of the grievance procedure. If you decide to do this, you must notify **(the relevant person in line with the stage)** within **(number of days in line with the stage)** working days. You can be accompanied by a trade union representative at **(the next stage of the grievance)**.

Or

Please note that the decision made at the end of stage 2 of the grievance procedure is final and you have no further right of appeal.

Yours sincerely

Grievance form

Appendix 3

A: To be completed by the employee		
Name:	Department:	Supervisor:
Nature of the grievance (continue overleaf if necessary)		
<p>Signed: _____ Date: _____ (Employee)</p>		
B: To be completed by the line manager		
<p>Grievance resolved <input type="checkbox"/> (state details)</p> <p>Grievance not resolved <input type="checkbox"/> (state details)</p>		
Form to Departmental Manager or Deputy on		<input type="text"/> (date)
Signed: _____ (Supervisor)		Date: _____
C: To be completed by the line manager		
<p>Grievance resolved <input type="checkbox"/> (state details)</p> <p>Grievance not resolved <input type="checkbox"/> (state details)</p>		
Signed: _____ (Dept Manager or Deputy)		Date: _____
D: Referred for Stage 2 (appeal) on		(Date)
Signed: _____		Date: _____
Form to Human Resources on		<input type="text"/> (date)