

Grievance Procedure

Version 2
1 July 2004

1. Introduction

- 1.1** Every employee has a right to seek redress for grievances relating to their employment. Grievance procedures provide a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. These problems should be dealt with speedily and fairly before they can develop into major problems or, potentially, collective disputes.
- 1.2** Every effort should be made to resolve a grievance or potential grievance using informal mechanisms – e.g. discussion with the immediate supervisor, discussion with a senior colleague or through an informal approach by a trade union representative. However, if informal methods do not succeed and the aggrieved party remains dissatisfied with the outcome or response, the formal procedure should be utilised.
- 1.3** Employees must be made aware of the terms of this grievance procedure and have ready access to a copy of it.
- 1.4** This procedure will apply to all employees except the Chief Executive and Directors.
- 1.5** This procedure will apply to former employees where the grievance is raised within 4 months of cessation of employment. Where a grievance is raised outwith this timescale, it should be referred to the Director of Corporate Services.

2. Principles

2.1 This grievance procedure is based on the following principles:

- (a) It is neither possible nor desirable to specify precisely all of the issues which may give rise to a grievance, but the main areas would include: terms and conditions; health and safety; relationships at work; new working practices; organisational change and equal opportunities matters
- (b) All grievances will be dealt with quickly, fairly and within agreed time limits.
- (c) Individual and group grievances will be dealt with using the same procedure and including the same stages.
- (d) Decisions relating to a grievance will be taken at the lowest appropriate level and will, where possible, involve the use of informal mechanisms to secure a resolution.
- (e) Employees have the right to be accompanied at all stages in the grievance process

2.2 Issues not covered by the grievance procedure -

- disciplinary matters
- issues not related to employment
- taxation, national insurance and pension matters
- collective disputes (generally defined under the Trade Unions and Labour Relations (Consolidation) Act.

3. The Formal Grievance Procedure

3.1 Every attempt should be made to resolve the matter through informal discussion or through informal representation by e.g. a trade union official. The immediate manager/supervisor or other senior manager must respond as quickly as possible to an informal approach, not necessarily in writing. If, however, the aggrieved party is dissatisfied with the response or if no response has been forthcoming, within a reasonable period, the employee may initiate the first stage of the formal grievance procedure.

- 3.2** **Stage 1** – The employee should submit a formal written statement of grievance to the nominated senior officer using the attached *pro forma* (Appendix 1), outlining clearly the nature of the grievance. The form will include reference to the resolution sought by the aggrieved party. The nominated senior officer will convene a formal grievance hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written statement of grievance. The employee will have the right to be represented at the hearing and the nominated senior officer will respond in writing to the formal statement of grievance within 5 working days after the date of the hearing. Where the nominated senior officer is the aggrieved party, the formal statement of grievance should be submitted to the Service Director or nominee. There may be other circumstances where it would not be appropriate for the nominated senior officer to hear the grievance at Stage 1, in which case the grievance should be submitted directly to the Director who may appoint a nominee, other than the nominated senior officer to deal with Stage 1.
- 3.3** **Stage 2** – Should the employee be dissatisfied with the decision of the nominated senior officer there shall be a right of appeal to the Director. A statement of appeal must be submitted in writing within 10 working days of receipt of the nominated senior officer’s decision explaining the reasons for continuing dissatisfaction. The Director or nominee will convene a formal appeal hearing within 10 working days of receipt of the written statement of appeal. The Director or nominee shall respond in writing to the aggrieved employee within 5 working days after the date of the hearing.
- 3.4** **Stage 3** – If the employee remains dissatisfied with the response from the Director or nominee there shall be a right of appeal to the Highland Council Appeals Sub-Committee. A meeting of the Appeals Sub-Committee will be convened within 20 working days of receipt of the written statement of appeal.
- 3.5** **Stage 4** – Grievances will end at the level of the authority except in the case of teachers where the final decision of the Council can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers, only if the original grievance is in accordance with the terms outlined in Appendix 2.

4. The Conduct of Formal Grievance and Appeal Hearings

- 4.1 The employee must be given every opportunity to present evidence in support of his/her grievance and the employee and/or representative can call witnesses, submit additional written information and/or use verbal presentation. In addition, the nominated senior officer or Director or nominee must be given every opportunity to justify a decision which is subject to appeal. (Guidance on the conduct of grievance hearings and appeals is set out separately in *Guidelines for Managers on the Council's Grievance Procedure*).

5. General Provisions

- 5.1 **Status Quo Ante** – In the event of a formal grievance being lodged in response to a proposed change to terms and conditions of employment and when practicable, where a grievance has been lodged in response to changes to working practices, or organisational structures, no change shall be made to the relevant terms and conditions of employment until the agreed grievance procedures have been exhausted.
- 5.2 **Withdrawal** – The aggrieved employee may at any stage withdraw from these procedures by giving notice in writing. In these circumstances the employee will be deemed to have abandoned the grievance.
- 5.3 **Collective Grievances** – Two or more employees who share a common grievance arising from the same circumstances shall be entitled to pursue their grievance in common by means of the procedures outlined above.
- 5.4 **Confidentiality** - The Council will treat records arising from the grievance process as confidential. Copies of such records will be made available to the employee concerned and to his/her representative and to officers or members involved in the grievance and appeals process.

6. The Grievance Stages, Appeals and Time Limits

The following table provides and describes the basic stages and time limits within the process.

Stage	Heard By	Suggested Time Limit
1	Nominated Senior Officer	10 working days for formal hearing to take place 5 working days to issue written response
2	Director or nominee	Appeal hearing to be heard within 10 working days 5 working days to issue written response
3	Highland Council Appeals Sub-Committee	Appeal hearing to be heard within 20 working days 5 days to issue written response
4*	SNCT	Determined by SNCT (see Appendix 2)

*Only applicable to matters relating to the teachers national agreement on salaries and conditions of service.

In exceptional circumstances these time limits may be extended for reasons which will be given in writing to the appellant.

CONFIDENTIAL

HIGHLAND COUNCIL

GRIEVANCE FORM

Your Name Your Post

Your Service Your Location

You should submit this form to the most senior manager in your section/unit, e.g. Area Service Manager, Headteacher, whom failing, your Head of Service, whom failing, the Service Director.

If you wish, you can submit the form through your trade union or other representative.

Please set out details of your grievance below and continue on the reverse of this form if necessary. Remember to sign and date the form.

Nature of Grievance

Resolution Sought

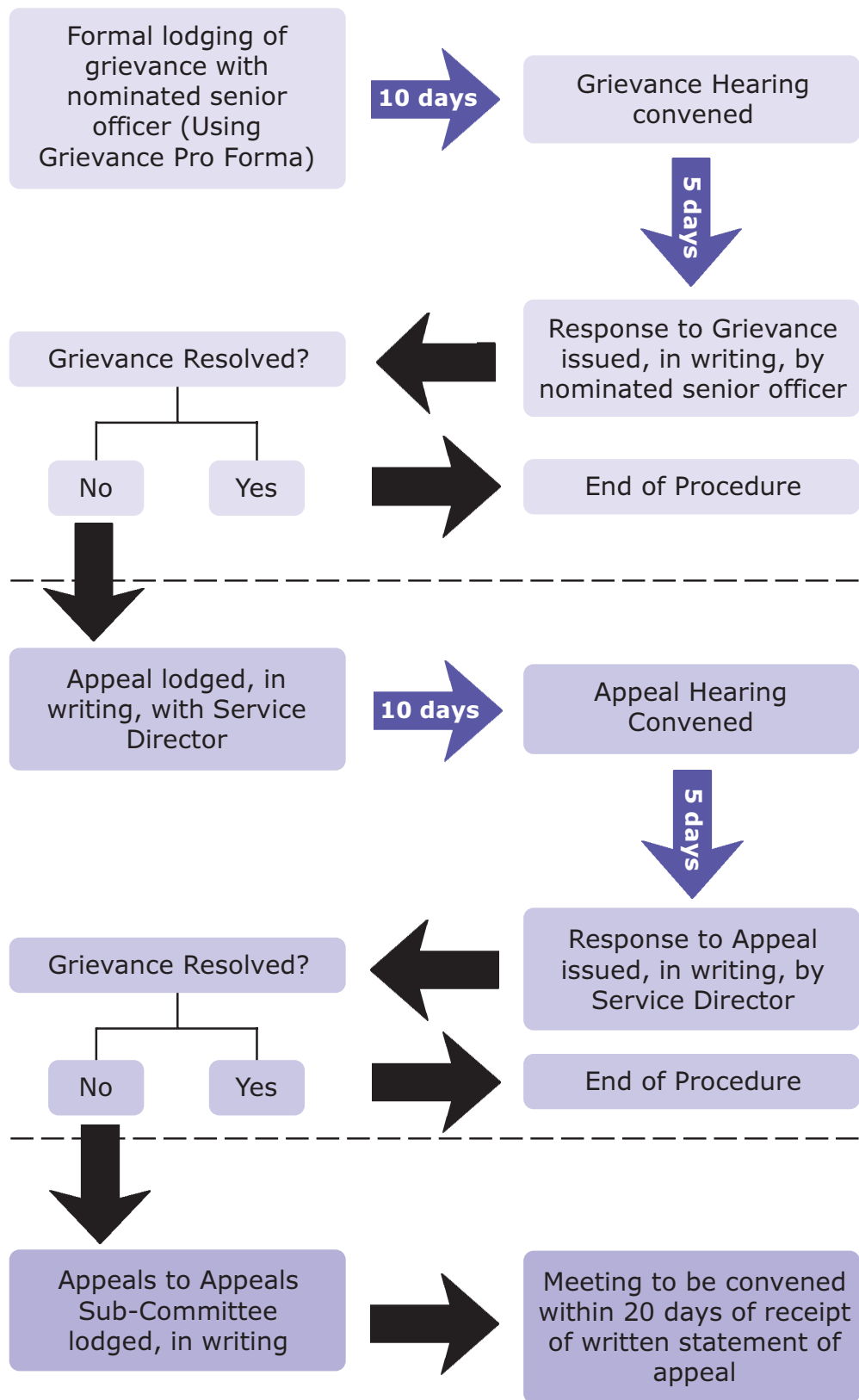
Date Signature

Receipt of this form must be acknowledged

Appeals to the Scottish Negotiating Committee for Teachers

1. If a teacher considers that he/she has a grievance with the Council regarding the application and/or interpretation of the national agreement on salaries and conditions of service, he/she must exhaust the Council's internal procedures, in the first instance.
 2. If a teacher is dissatisfied with the outcome of the Council's procedures, then he/she may ask for the case to be considered by the Joint Secretaries representing the Employers' Side and the Teachers' Side of the SNCT.
 3. The Joint Secretaries will consider whether the Council has complied with and/or properly interpreted the national agreement on salaries and conditions of service and has taken account of all of the relevant factors. If the Joint Secretaries are not satisfied that the Council has acted correctly or appropriately, it will refer the matter back to the Council with appropriate advice. If this advice or mediation by the Joint Secretaries does not resolve the matter, or if there is a failure to agree, the Joint Secretaries will refer the case to an Appeals Panel of the SNCT.
 4. The decision of the Appeals Panel will be final and binding on all parties to the appeal.
-

Grievance Procedure - Flow Chart



END OF PROCEDURE

Note: In certain defined circumstances Teachers have a further right of appeal to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT)