

Agenda Item	12
Report No	RES/42/25

The Highland Council

Committee: Corporate Resources

Date: 20 November 2025

Report Title: Grievance and Resolution Policy and Guidance

Report By: Assistant Chief Executive - Corporate

1. Purpose/Executive Summary

- 1.1 This report provides an update on the trial implementation of the revised Grievance and Resolution Policy and Guidance for employees on SJC terms and conditions, initially approved by the Corporate Resources Committee on 22 February 2023.
- 1.2 The policy review was developed in partnership with Trade Union representatives, senior managers and the wider HR Team.
- 1.3 Following approval by the HR Subgroup in November 2022, the revised policy was implemented on a six-month trial basis from February 2023 to assess its impact on users. In December 2023, the Committee approved an extension to the trial to allow for further consultation with Trade Unions.
- 1.4 The trial period has now concluded, with extensive engagement and feedback gathered from stakeholders. The findings demonstrate that the revised policy has improved the efficiency and effectiveness of grievance resolution processes, with a greater emphasis on early and informal resolution.
- 1.5 This report outlines the key outcomes of the trial and recommends the permanent adoption of the revised Grievance and Resolution Policy and Guidance.

2. Recommendations

- 2.1 Members are asked to:
 - i. **Note** the findings from the trial implementation of the policy changes.
 - ii. **Approve** the changes to the Grievance and Resolution Policy and Guidance as outlined in Section 7 of this report.

3. Implications

- 3.1 **Resource:** There are no immediate resource implications arising from this policy.

- 3.2 **Legal:** Legislation sets out requirements for employers to establish and communicate a formal grievance procedure to their employees. A clear and consistent policy will ensure the Council meets these obligations. Legal requirements are assessed when developing and implementing policy with our trade union colleagues.
- 3.3 **Risk:** There are no risk implications arising as a direct result of this report.
- 3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people):** Staff wellbeing is a priority in the People Strategy, and this is reflected in the Grievance and Resolution Policy.
- 3.5 **Gaelic:** The policy and guidance follow the Council's Gaelic language policy in relation to the use of Gaelic in Corporate documents.

4. Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 **Integrated Impact Assessment - Summary**
- 4.3.1 An Integrated Impact Assessment screening has been undertaken on 23 July 2025. The conclusions have been subject to the relevant Manager Review and Approval.
- 4.3.2 The Screening process has concluded positive impacts for:
- **Age:** Easily accessible online documents enable employees of all ages to access the information. Online and face-to-face training also caters to all ages and learning preferences.
 - **Disability:** The policy and guidance documents were reviewed to ensure clarity of process, simplified language and online accessibility. As well as improving access for disabled staff, this can help older staff and those with language barriers. Support mechanisms like the Employee Assistance Programmes (EAP), additional support introduced in the policy and wellbeing services can mitigate stress during grievance processes.
- 4.3.3 Transparent processes and impartial decision making can build trust among underrepresented groups, such as LGBTQ+ or ethnic minority staff. Clear timelines, right to representation, and appeal mechanisms help ensure fairness and reduce bias.
- 4.3.4 Extensive consultation was undertaken with senior managers and trade union representatives to understand issues, areas of strength and for improvement to ensure the policy provides a fair and transparent grievance policy for staff on SJC

terms and conditions. Future training will involve trade unions which will ensure future impacts are considered on an ongoing basis.

- 4.3.5 With regards to data protection, the screening recognised that there will be processing of personal data where employee grievances are submitted. However, this is covered by current privacy statements and procedures.
- 4.3.6 The decision following the screening is that the impacts are positive or neutral and therefore a full impact assessment is not required.
- 4.3.7 Members are asked to consider the summary in **Appendix 1** to support the decision-making process.

4.3.8

Impact Assessment Area	Conclusion of Screening
Equality	Sex: No impact Age: Positive Disability: Positive Religion or belief: No impact Race: No impact Sexual orientation: No impact Gender reassignment: No impact Pregnancy and maternity: No impact Marriage and civil partnership: No impact
Socio-economic	<i>No impact</i>
Human Rights	<i>Positive</i>
Children's Rights and Wellbeing	<i>No impact</i>
Island and Mainland Rural	<i>No impact</i>
Climate Change	<i>Positive</i>
Data Rights	<i>No impact</i>

5. Introduction

- 5.1 In accordance with legal requirements, all employers must establish and communicate a formal grievance procedure to their employees. This policy sets out the Highland Council approach to managing employee grievances, providing a clear and effective framework for addressing concerns in a fair, timely, and constructive manner (**Appendix 2**).
- 5.2 The Grievance and Resolution Policy and accompanying guidance aim to:
- ensure a fair, transparent and consistent process for resolving employee concerns;
 - provide a clear step-by-step guide for employees and managers;
 - equip managers to address issues effectively;
 - promote employee wellbeing, engagement, and job satisfaction; and
 - align with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on Disciplinary and Grievance Procedures, ensuring compliance with national standards and best practice.

6. Research and Professional Standards

- 6.1 ACAS is an independent public body funded by the government, providing impartial advice and support to employers and employees on workplace relations. It plays a crucial role in setting out the expected standards for handling staff grievances in the UK. Through its Code of Practice on Disciplinary and Grievance Procedures, ACAS provides clear guidance on the minimum standards employers should follow to ensure fairness and transparency. This includes steps for raising, investigating, and resolving grievances, with an emphasis on early and informal resolution where possible. Adhering to the ACAS Code is not only best practice but is also considered by employment tribunals when assessing the fairness of an employer's actions.
- 6.2 A benchmarking exercise was carried out with Scottish Local Authorities to compare grievance procedures before we introduced the trial. Responses were received from 12 of the 32 local authorities approached, revealing a variety of approaches all of which were consistent with the ACAS Code of Practice. Amongst the authorities that responded:
- 60% include Elected Member involvement in the appeal process;
 - 50% operate a two-stage procedure; and
 - 50% operate a three-stage grievance procedure.

7. Policy Changes

- 7.1 The following changes to the policy and guidance were approved on a **permanent** basis by Corporate Resources Committee on 22 February 2023:
- Change of title from Grievance Policy to Grievance and Resolution Policy.
 - Where a grievance is raised against another employee, the content will be shared with that employee where appropriate, to enable them to respond to the grievance.
 - Information gathering will take place by the nominated officer after the hearing takes place.
 - Facilitated conciliation meetings are encouraged to achieve early and informal resolution.
 - Services to provide support to employees who raise a grievance, and who have a grievance raised against them e.g. allocated welfare support.
 - The maximum timescale to set up a grievance meeting to be increased from 10 to 15 working days.
 - Grievance appeal form is introduced.
 - Clarification of acceptable reasons for appeal is given, as below:
 - Employees have the right to appeal the outcome of a Stage 1 grievance if they feel the outcome was wrong, the procedure was unfair, or because there is new evidence relating to the original grievance.
- 7.2 The changes to the policy and guidance that were approved by Corporate Resources Committee on a **trial** basis are as follows:
- Grievance hearing stages reduced from three to two with the removal of the third stage Elected Member Appeal Sub-committee hearing. Details of the revised grievance stages, appeal process and time limits are set out in **Appendix 3**.

- The original proposal detailed that stage 2 grievance appeals would be heard by a Chief Officer or nominated senior officer. Following further consultation with trade union representatives during the trial, it is proposed that Stage 2 grievances will be heard by a Chief Officer or nominated senior officer **from a different Cluster**. This is to ensure an impartial review of the stage 1 hearing outcome and will mitigate the removal of the appeals sub-committee.

8. Findings from the Trial Implementation of Policy Changes

- 8.1 The dataset presented in Table 1 and Table 2 comprises two timeframes: a 31-month pre-trial period and a 31-month trial period. This structure allows for a comparative analysis of trends, behaviours and outcomes before and during the implementation of the trial. By maintaining equal durations for both phases, the data supports a balanced evaluation of the trial's impact.
- 8.2 Since the implementation of the revised policy on 23 February 2023, 96 grievances were submitted. Analysis in Table 1 shows that 34 (35%) of the 96 grievances submitted under the new policy were resolved informally.
- 8.3 This represents an improvement compared to the data in Table 2, which shows that 23 out of 74 grievances (31%) were resolved informally, while 7 grievances (9%) progressed to a Stage 3 Elected Members Appeal Hearing. Of those Stage 3 appeals, two were upheld, two were partially upheld, and three were not upheld. This shows that 3% of all grievances submitted before the trial resulted in Elected Members upholding Stage 3 grievances on behalf of the employee and 90% of grievances did not require Elected Member involvement.
- 8.4 It is important to note that none of the grievances submitted since 23 February 2023 under the revised policy progressed to Employment Tribunal. This reflects a positive development compared to the previous process as outlined in Table 3, where five grievances progressed to an employment tribunal. Table 3 shows that two of the Employment Tribunal Claims were unsuccessful for the employee, two claims were withdrawn, and one was resolved through mutual agreement before reaching a conclusion. This suggests that the updated policy is more effective in resolving employee grievances internally and that the removal of the Elected Member appeal stage has not negatively impacted employees.

8.5 Table 1 – Grievance Cases from the Trial 23 February 2023 to 13 October 2025

Grievance Cases						
Outcome	Informal	Stage 1	Stage 2	Stage 3	Total	%
Informal Resolution	34				34	35%
Not upheld		8	4		12	13%
Ongoing	4	7	5		16	17%
Partially upheld		17	9		26	27%
Upheld		6			6	6%
Withdrawn	2				2	2%
Total	40	38	18	0	96	100%

8.6 **Table 2 – Grievance Cases from 8 July 2020 to 22 February 2023**

Grievance Cases						
Outcome	Informal	Stage 1	Stage 2	Stage 3	Total	%
Informal Resolution	23				23	31%
Not upheld		17	2	3	22	30%
Ongoing	0				0	0
Partially upheld		13	5	2	20	27%
Upheld		5	1	2	8	11%
Withdrawn	1				1	1%
Total	24	35	8	7	74	100%

8.7 **Table 3 – Grievance Employment Tribunal Claims**

Employment Tribunal Claims						
Outcome	2020	2021	2022	2023	2024	2025
Employer successful			1	1		
Employee successful						
Withdrawn			2			
Settlement					1	
Total	0	0	3	1	1	0

8.8 The findings from Tables 1 and 2 indicate a reduction in the number of employee grievances that were not upheld. This trend is supported by an increase in cases resolved informally, as well as those that were partially upheld. The rise in informal resolution suggests that the revised approach is meeting the needs of both employees and the organisation contributing to reduced stress, improved morale, and stronger workplace relationships.

8.9 HR and Business Solutions colleagues collaborated to review and compare the original and revised grievance processes with the aim of identifying efficiencies and opportunities for further improvement. Using the Engage System, both processes were mapped and analysed, revealing a reduction in total processing time by up to 9 days per grievance. Key efficiencies were achieved through reduced processing and officer time primarily due to the removal of the third stage of the process. While HR Officer time increased slightly under the new process, this was attributed to a greater emphasis on informal resolution methods, including mediation and facilitated meetings.

9. **Lessons Learned**

9.1 The trial implementation of the revised Grievance and Resolution Policy has provided valuable insights into both the strengths of the new approach and areas requiring further development. While the revised process has led to improved outcomes such as increased informal resolution and reduced escalation to tribunals, it has also highlighted the need for continued focus on timely case progression.

9.2 Key lessons include:

- **Timeliness and Case Management:** Although the revised policy has streamlined the process, meeting the updated timescales consistently remains a challenge. To address this, enhanced monitoring mechanisms have been introduced including regular case management reviews, escalation procedures within services, and improved data sharing with senior management and Trade Union representatives.
- **Capacity and Capability Building:** The shift towards informal resolution methods such as mediation and facilitated meetings has increased the demand on HR Officers and line managers. This highlights the importance of ongoing training and support to build confidence and competence in handling sensitive issues at an early stage.
- **Communication and Transparency:** Feedback from stakeholders emphasised the importance of clear communication throughout the grievance process. Ensuring that all parties understand the stages, expectations, and available support is critical to maintaining trust and engagement.
- **Stakeholder Engagement:** The collaborative approach taken during the trial was helpful in shaping a fair and balanced policy. Continued engagement will be essential to ensure the policy remains responsive to the needs of employees and the organisation.

These lessons will inform the next phase of implementation with a focus on embedding best practices, strengthening early resolution capabilities, and ensuring consistent application across all Clusters.

10. Trade Union Consultation

- 10.1 Extensive consultation was carried out with Trade Union Representatives throughout the entire policy review process.
- 10.2 The trial of the new process allowed for a joint review to be undertaken. HR listened to the concerns and incorporated the feedback throughout the trial period and consequently further safeguards were agreed including appeals to be heard by Chief Officers (or nominated senior officer) from a different Cluster.
- 10.3 UNISON holds the largest union membership across the Highland Council and has expressed support for the proposed changes. The emphasis on informal resolution and the safeguards in place to ensure a fair process for employees is particularly welcomed by Unison. In addition, Unison recognises that as the grievance process does not involve punitive sanctions, it is appropriate for the process to be managed by officers. Finally, UNISON also notes that the new proposed changes bring the Highland Council in line with ACAS guidance.
- 10.4 GMB representatives raised strong concerns regarding the removal of the Elected Members in the appeal process.

UNITE representatives latterly raised concerns in relation to reducing the number of stages from three to two. Both GMB and Unite are opposed to the proposed changes.

11. Teacher Terms and Conditions

- 11.1 Teaching staff are unaffected by the proposed changes. Teachers are employed under different nationally agreed terms and conditions by the Scottish Negotiating Committee for Teachers (SNCT). The SNCT is a tripartite negotiating body whose constituent members are drawn from the Convention of Scottish Local Authorities (COSLA), the Scottish Government and the recognised trade unions representing teachers in Scotland.
- 11.2 The SNCT allows certain devolved matters to be negotiated at local level through Local Negotiating Committees for Teachers (LNCTs). However, no LNCT can alter conditions of employment contained within the National Scheme nor can it vary a national agreement reached within the SNCT. All local agreements on devolved matters must be reported to the SNCT.
- 11.3 Currently LNCT4 - Disciplinary and Grievance Procedures applies to Teachers who are employed by the Highland Council. This includes a third stage appeal process which is heard by the Members Appeal Sub-committee. There is also a fourth stage appeal process where the final decision of the Council can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers if the original grievance is related to application and/or interpretation of the national agreement on salaries and conditions of service.
- 11.4 Fifteen grievances were raised by Teachers during the equivalent duration of the policy trial, none of which progressed to Stage 3. Furthermore, only 1 Teaching case progressed to Stage 3 appeal hearing since 2021.
- 11.5 Within our diverse organisation, it is common for staff to have different terms and conditions of employment due to the distinct nature of their roles, professional requirements, and national frameworks. These differences ensure that employment arrangements are appropriate, fair, and legally compliant for each staff group. Another example of Highland Council staff employed on different terms and conditions is Agenda for Change (NHS) staff where we are required to apply the Once for Scotland HR policies.

12. Conclusion

- 12.1 The trial implementation of the revised Grievance and Resolution Policy has demonstrated a positive impact on staff and organisational processes. The data shows an increase in the proportion of grievances resolved informally, rising from 29% in previous years to 36% under the new policy. This shift reflects improved early resolution mechanisms and a more streamlined, supportive approach to grievance handling.
- 12.2 Importantly, no grievances progressed to employment tribunal during the trial period, suggesting that the revised policy is both effective and legally robust. While concerns were raised by Trade Union representatives regarding the removal of the third-stage appeal and Elected Member involvement, these were addressed through continued consultation, the introduction of impartial review mechanisms, and the commitment to joint training initiatives.
- 12.3 The policy changes have improved transparency, fairness, and efficiency. Continued stakeholder engagement will ensure the policy remains responsive and equitable.

- 12.4 Permanent adoption of the revised Grievance and Resolution Policy is therefore recommended. To support successful implementation, joint training for managers and Trade Union representatives will be introduced to promote consistent understanding and application of the updated process.

Designation: Assistant Chief Executive - Corporate

Date: 13 October 2025

Author: Louise McGunnigle, HR Manager
Hannah Jones, HR Business Partner

Background Papers:

[Grievance and Resolution Policy Committee Report 22 February 2023](#)

Appendices: Appendix 1 – Integrated Impact Assessment Screening
Appendix 2 – Grievance and Resolution Policy
Appendix 3 – Grievance and Resolution Guidance

Appendix 1: Integrated Impact Screening Summary

Grievance and Resolution Policy

Integrated Impact Assessment - Summary

An Integrated Impact Assessment screening was undertaken on 23 July 2025. The conclusions were subject to the relevant Manager Review and Approval.

The Screening process concluded positive impacts for:

- **Disability:** The policy and guidance documents were reviewed to ensure clarity of process, simplified language and online accessibility. As well as improving access for disabled staff, this can help older staff and those with language barriers. Support mechanisms like the Employee Assistance Programmes (EAP), additional support introduced in the policy and wellbeing services can mitigate stress during grievance processes.
- **Pregnancy and Maternity:** Online access to grievance policy documents and training can enable staff who are pregnant or on maternity leave to access the required information.
- **Island and Mainland Rural:** Online and face-to-face resources and training caters to employees based in all locations across the Highlands.

Transparent processes and impartial decision making can build trust among underrepresented groups, such as LGBTQ+ or ethnic minority staff. Clear timelines, right to representation, and appeal mechanisms help ensure fairness and reduce bias.

Extensive consultation was undertaken with senior managers and trade union representatives to understand issues, areas of strength and for improvement to ensure the policy provides a fair and transparent grievance policy for staff on SJC terms and conditions. Future training will involve trade unions which will ensure future impacts are considered on an ongoing basis.

With regards to data protection, the screening recognised that there will be processing of personal data where employee grievances are submitted. However, this is covered by current privacy statements and procedures.

The decision following the screening is that the impacts are positive or neutral and therefore a full impact assessment is not required.

Impact Assessment Area	Conclusion of Screening
Equality	Sex: No impact Age: No impact Disability: Positive Religion or belief: Positive Race: Positive

	Sexual orientation: Positive Gender reassignment: Positive Pregnancy and maternity: Positive Marriage and civil partnership: Positive
Socio-economic	<i>Positive</i>
Human Rights	<i>Positive</i>
Children's Rights and Well-being	<i>No impact</i>
Island and Mainland Rural	<i>Positive</i>
Climate Change	<i>Positive</i>
Data Rights	<i>No impact</i>

Human Resources
Goireasan Daonna

Grievance & Resolution Policy

Poileasaidh Chùisean-gearain & Rèiteachaidh



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Document Control

A: Version History

Version	Date	Author	Change
1.2			
1.1	20/10/23	Isabel McLellan	Updated Nominated B&H Senior Officers
1.0	24/02/23	Hannah Jones	Revised Policy

B: Document Approval

Name	Title	
Elaine Barrie	Head of HR	Final Approval
Louise McGunnigle	HR Manager	Final Reviewer
HR Sub Group	TU Representative	Reviewer
		Author



Introduction

Every employee has a right to raise concerns with their manager relating to their employment. If it has not been possible to resolve the concern through informal means, a more formal process may be required.

A grievance procedure provides a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed more formally. These problems should be dealt with speedily and fairly before they can develop into major problems or, potentially, collective disputes.

Policy Purpose

The purpose of this policy is to provide a mechanism for identifying and addressing employee concerns or grievances fairly and as quickly as possible.

This policy and procedure will apply to all employees, except staff on Agenda for Change T&Cs who should refer to [NHS PIN policies](#), Teaching staff who should refer to [LNCT4 Disciplinary and Grievance Procedures](#), and the Chief Executive and Chief Officers. Chief Officials are employed under the [Scottish Joint Council for Chief Officials of Local Authorities \(Scotland\)](#) terms and conditions.

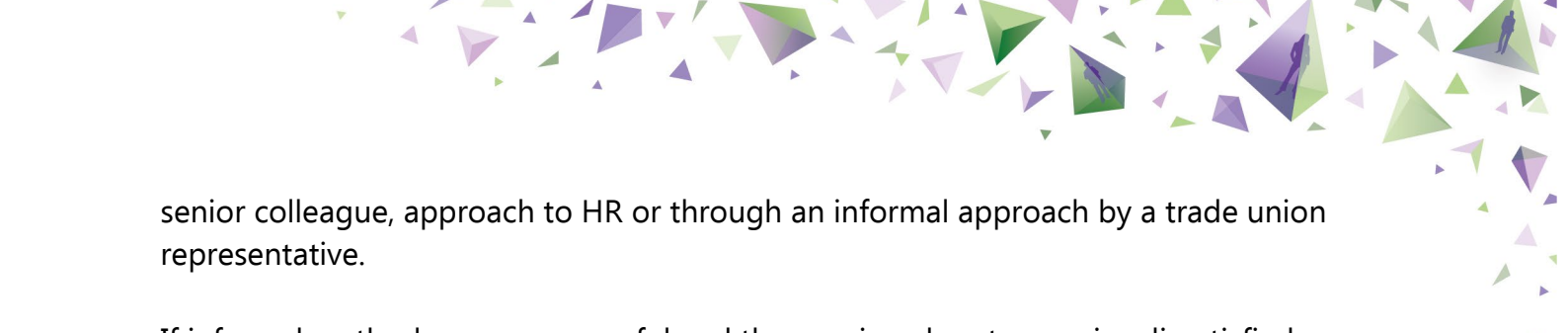
This procedure will also apply to former employees where the grievance is raised within four months of cessation of employment. Where a concern is raised outwith this timescale, it should be referred to the Head of People.

Policy in Practice

Policy Principles

All employees must be made aware of the terms of this grievance procedure and have access to a copy of it.

Every effort should be made to resolve a concern or potential grievance using informal mechanisms eg discussion with the immediate supervisor, discussion with a



senior colleague, approach to HR or through an informal approach by a trade union representative.

If informal methods are unsuccessful and the aggrieved party remains dissatisfied with the outcome or response, the formal procedure should be used, starting with a conciliation meeting.

Conciliation Meeting

An informal conciliation meeting should take place between the aggrieved employee, an appropriate line manager and a representative from HR to discuss the contents of the grievance, potential solutions and next steps. This step may resolve the matter without further need to proceed with the formal process.

The purpose of this policy is to deal with grievances quickly, fairly and within the suggested time limits. There should be a genuine willingness to resolve matters.

It may be appropriate for formal mediation to take place to resolve a grievance. Advice should be sought from HR regarding the most appropriate early intervention.

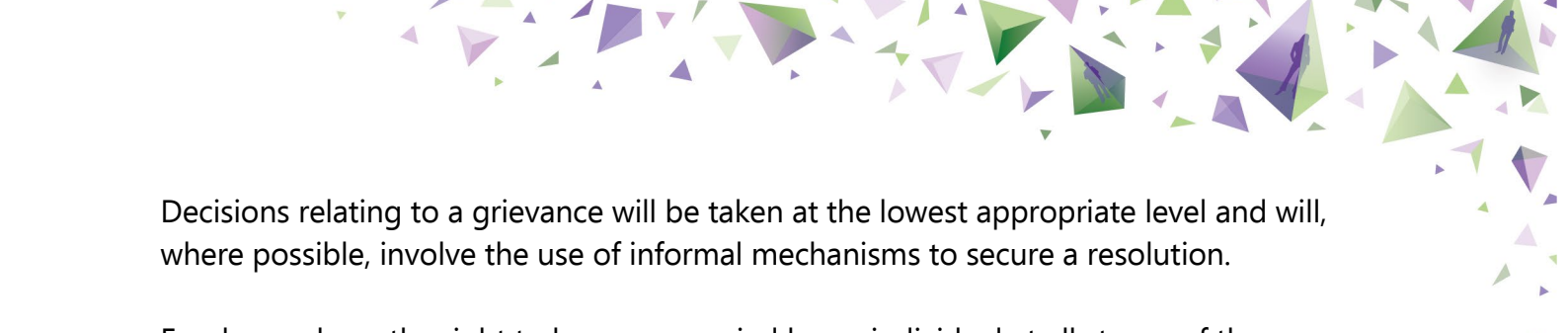
Types of Grievances

It is neither possible nor desirable to precisely specify all the issues which may give rise to a grievance, but the main areas would include:

- terms and conditions
- health, safety & wellbeing
- relationships at work
- new working practices
- organisational change
- equal opportunity matters

The following issues are 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.



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.

Employees have the right to be accompanied by an individual at all stages of the grievance process.

Procedure

When an employee raises a concern the immediate manager, supervisor or other senior manager must respond as quickly as possible to an informal approach, not necessarily in writing.

If 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. Where a formal grievance is received, the procedure set out at [Appendix 1](#) will be followed.

The employee must be given every opportunity to present evidence in support of their grievance and the employee and/or representative can call witnesses, submit additional written information and/or use verbal presentation. In addition, the nominated officer must justify a decision which is subject to appeal.

Status Quo Ante

In the event of a formal grievance being lodged in response to a proposed change to terms and conditions of employment or organisational structures, no change shall be implemented until the agreed grievance procedures have been exhausted, where practicable.

Withdrawal

The aggrieved employee may at any stage withdraw from these procedures with notification in writing. In these circumstances the employee will be deemed to have withdrawn the grievance.

Collective Grievances

Two or more employees who share a common grievance arising from the same circumstances shall be entitled to pursue their grievance jointly by means of the procedures outlined.



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 their representative and to officers involved in the grievance and appeals process. Grievances that are raised against employees will be shared with those employees to enable them the opportunity to fully respond.

Stages and Time Limits

Details of the grievance stages, appeal process and suggested time limits are set out in [Appendix 2](#).

Equality & Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Guidance

Guidance, information and tools relating to the management of grievance matters will be developed and maintained in partnership through the Highland Council Partnership Framework. In relation to grievance management this guidance will:

- Guide managers on the informal resolution of grievances including the informal conciliation meeting
- Provide advice on hearing a grievance
- Explain how to conduct a grievance hearing
- Guide managers on the appropriate use of mediation
- Advise on decision making and communication with employees.

Legislation

The development and application of this policy is guided by:

- Employment Rights Act 1996
- Employment Relations Act 1999

- 
- Employment Act 2008
 - ACAS code of practice on disciplinary and grievance procedures

Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Managers Guide to Grievance	Click Here
Appendix 1: Formal Grievance Procedure	Click Here
Appendix 2: Grievance Stages, Appeals & Time Limits	Click Here
Appendix 3: Grievance Submission Form	Click Here
Appendix 4: Grievance Appeal Submission Form	Click Here
ACAS	Click Here
Bullying & Harassment Contacts	Click Here
Grievance Hearing Checklist	Click Here



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Managers Guide to Grievances



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Introduction

Purpose of the Guidance:

- To ensure employee concerns are heard and dealt with fairly, promptly, and effectively
- To equip managers to deal with issues raised by employees
- To ensure continued employee wellbeing, motivation, and job satisfaction
- To comply with legislative requirements.

The purpose of these guidelines is to provide advice and guidance on the use of the Council's grievance procedures. It is essential that genuine grievances are dealt with fairly and promptly. It is important from the outset to be clear that the Grievance Procedure is separate and distinct from the Council's Disciplinary Procedure.

Employment law requires employees to be informed as to whom they can apply to seek redress for any grievance and how that application should be made. It also requires employees to be notified of a procedure which involves as a minimum the right to raise a grievance and to have it heard and where necessary, a right of appeal against the decision. The Council's Grievance Procedure is a local collective agreement between the Council as employer and the recognised trade unions, on behalf of employees. As such, the Grievance Procedure is incorporated into employees' contracts of employment.

The Council's Grievance Policy can be accessed on the Council's HR Microsite. This was developed taking account of employment legislation, the ACAS Code of Practice on Disciplinary and Grievance Procedures and best practice in hearing and resolving employment grievances.

The clear emphasis of the Grievance Procedure is for early intervention by managers to listen to and attempt to resolve concerns or grievances as quickly as possible, and within the specified timescale of up to 15 working days. It involves managers not only receiving and dealing with the concern or grievance, but also reaching a decision and solution and confirming it to the employee.

Guidance

Definitions

Grievance Procedure

What is and what is not a competent grievance is not readily quantified. The Employment Act (Dispute Resolution) Regulations 2004 define a grievance as a concern on the part of an employee about some action taken or proposed to be taken by an employer affecting an employee, which the employee considers is to be taken for some reason unconnected with the way he or she is doing the job. The action taken or proposed to be taken by the employer could affect the employee's terms and conditions of employment including pay and other contractual benefits, working environment including location, or health and safety concerns. It may also be competent to challenge under the grievance procedure proposals to vary the way work is organised e.g., shift or rota systems, team compositions and work procedures and practices. However, by far the most common grievance involves disagreements between colleagues which reach a point where service provision and employee motivation suffer.

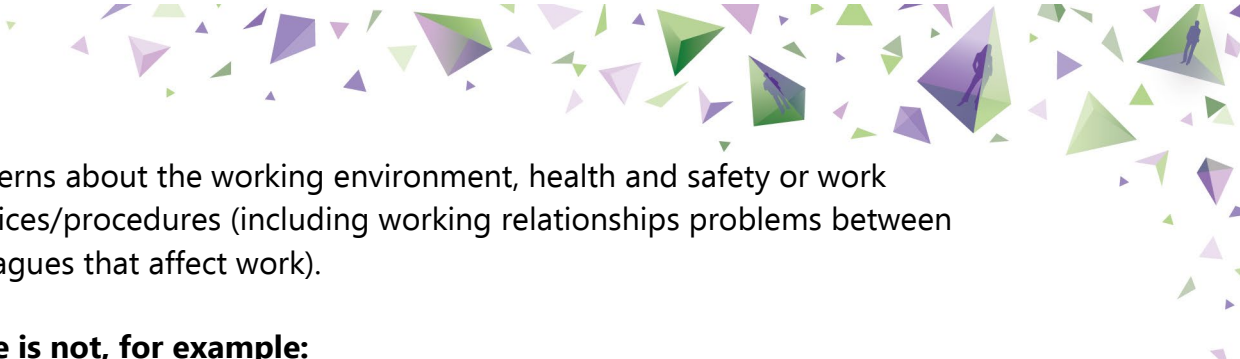
The Grievance & Resolution Procedure does not cover the following:

Bullying and Harassment: Any concerns of bullying and harassment should be dealt with in accordance with the Bullying and Harassment policy.

Disciplinary Matters: A grievance concerning disciplinary action taken or the decision of a designated officer to investigate an incident under the disciplinary procedure should not be considered under the Grievance Procedure. There may be circumstances where an employee alleges that the decision to take disciplinary action is wholly due to a breakdown in the working relationship between the employee and their manager and not due to misconduct on the part of the employee. Such allegations should be considered in the course of the disciplinary procedure, at the hearing stage or appeal stage, should it be required.

A Grievance is, for example:

- Any concern an employee has about action taken by management (or failure to act) which the employee does not feel is justified
- Disagreement over proposed changes to terms and conditions of employment, shift rotas and/or working arrangements

- 
- Concerns about the working environment, health and safety or work practices/procedures (including working relationships problems between colleagues that affect work).

A Grievance is not, for example:

- Disagreement with the outcome of disciplinary Proceedings
- Issues unrelated to employment with the Council
- Taxation, National Insurance and Pension Matters
- Collective Disputes
- Matters relating to employee conduct or performance. Other avenues are available to manage this.

Issues Not Related to Employment

Employees of the Council are generally also recipients of its services. An employee cannot pursue a grievance under the Council's Grievance Procedure in respect of an issue or complaint they may have about services provided to them by the Council. Nor is it legitimate for a grievance to be raised in respect of matters affecting an employee's private life that are unconnected to their employment with the Council.

Taxation, National Insurance and Pension Matters

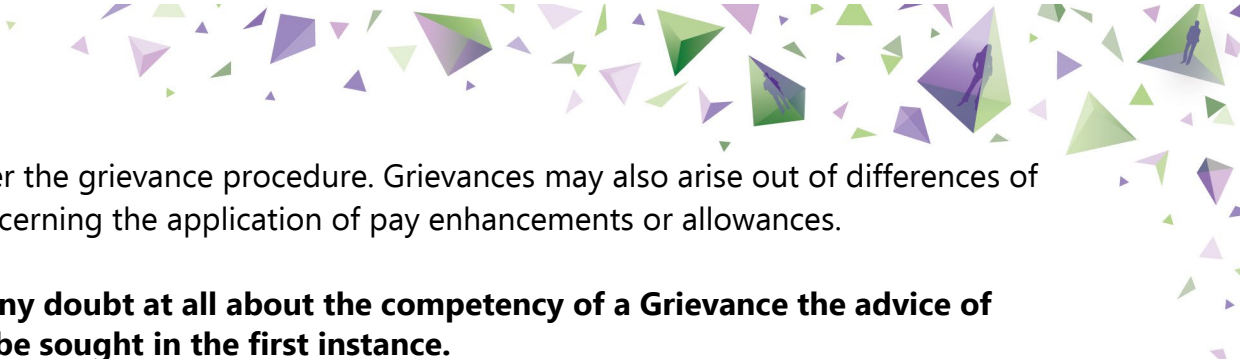
Matters of taxation and National Insurance are out with the control of the Council and as such, employees' concerns about such issues cannot be resolved by the Council. Such issues should be taken up with the Inland Revenue. Issues relating to pension matters should be addressed to relevant pension scheme administrators.

Collective Disputes

Collective disputes are defined as issues where there is a failure to agree between the employer and employee representatives, acting on behalf of a group of employees, in respect of a policy, practice or proposed change affecting that group of employees resulting from a decision taken by the Council. Such collective disputes shall not be resolved through the grievance procedure but will be the subject to the Council's Disputes Procedure.

Pay Issues

It is not appropriate to use the grievance procedure to appeal against the outcome of a job evaluation or job sizing process. However, where the concern relates to differences of opinion between the employee and manager about whether the duties and responsibilities have changed significantly, it may be appropriate to consider this



matter under the grievance procedure. Grievances may also arise out of differences of opinion concerning the application of pay enhancements or allowances.

If there is any doubt at all about the competency of a Grievance the advice of HR should be sought in the first instance.

There is a separate [Whistleblowing Policy](#) which an employee or worker should use if they suspect malpractice or wrongdoing such as: criminal offences; failure to comply with legal obligations; miscarriage of justice; health and safety danger of an individual; damage to the environment; deliberate attempt to cover up any of these issues. A link to the policy is included in the Quick Links at the end of this guidance.

Informal Resolution

Purpose:

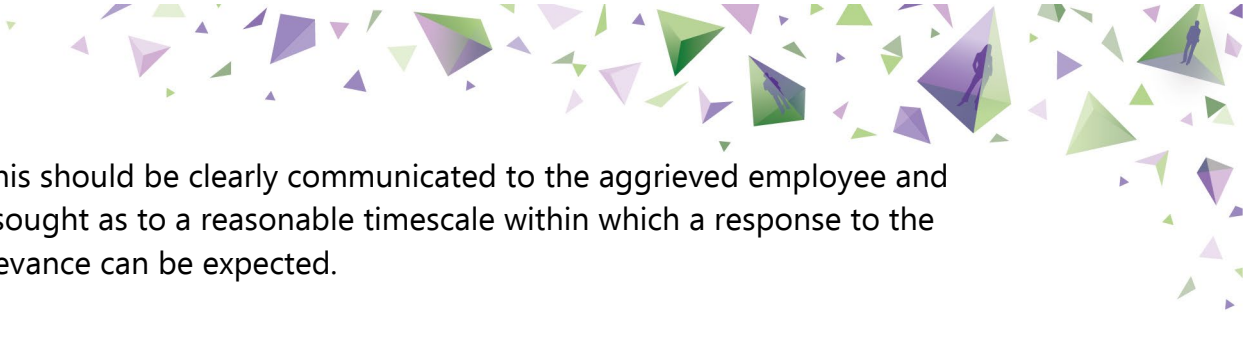
- To deal quickly with employee concerns before they become more serious
- To encourage appropriate management intervention to resolve legitimate employee concerns
- Strengthen the employee and manager relationship by encouraging two-way communication to resolve differences
- Promote employee motivation by demonstrating that work related concerns can be addressed quickly and effectively through discussion with line management.

Desired Outcome:

Employee concerns are promptly and effectively resolved through informal discussion and management intervention.

In most cases, the most effective way to deal with a grievance is through informal discussion between the aggrieved employee (or their representative) and the immediate line manager or supervisor. An informal approach from an employee does not require to be responded to in writing; however, the emphasis should be on reaching a lasting and mutually acceptable resolution to the employee's concern.

Speed of response is important. Whilst there are no specific timescales within which a manager should respond to an informal grievance, it should be recognised that a failure to respond within a reasonable period can often make matters worse, causing a grievance to become deeper seated and opposing views to become more entrenched. However, where time is required to investigate the circumstances of the



grievance, this should be clearly communicated to the aggrieved employee and agreement sought as to a reasonable timescale within which a response to the informal grievance can be expected.

Resolving informal grievances depends on effective two-way communication. It is important for the future of the manager and employee relationship that concerns raised informally by an employee with their manager are taken seriously and responded to appropriately. A manager dealing with an informal grievance might require the following skills and attributes to respond effectively:

Take the employee seriously, in most cases people do not complain without good reason. Consider whether the reason given for the grievance is the actual problem or if there is an underlying issue of concern troubling the employee.

Listen to what the employee is saying and demonstrate that you are listening (summarise, clarify understanding, ask probing questions).

Build rapport - demonstrate that you are willing to resolve any legitimately held concerns, engage the employee in conversation about their concern.

Analyse what is being said and probe for more information. Consider what the employee is not saying as well as what they are. Is there a possible explanation for their concern that they are not prepared to discuss?

Be honest – if the solution being sought by the employee is not achievable, advise the employee, giving reasons.

Seek proposals for resolution from the aggrieved employee. What would improve the situation for them?

Seek agreement with the employee to the resolution proposed.

Move quickly to implement the agreed resolution and monitor the situation for improvements.

Whilst it is not necessary to respond to an informal grievance in writing, it may be necessary to retain a file note summarising the date of the meeting, resolutions proposed and whether the aggrieved employee accepted the resolution proposed.

Formal Grievance Procedure

Stage 1

Purpose:

- To provide an opportunity for an aggrieved employee to formally state the grounds for their grievance and the resolution sought
- To provide management with an opportunity to consider the statement of grievance, supporting evidence and any previous action taken (e.g. attempts at informal resolution)
- To hear a grievance in accordance with the requirements of the grievance procedure (i.e. observing timescales, etc).

Desired Outcome:

- Employee concerns are fully heard and where appropriate, means of resolving the problem are agreed.
- Where the grievance is not upheld, this is clearly communicated to the employee along with reasons for the decision.

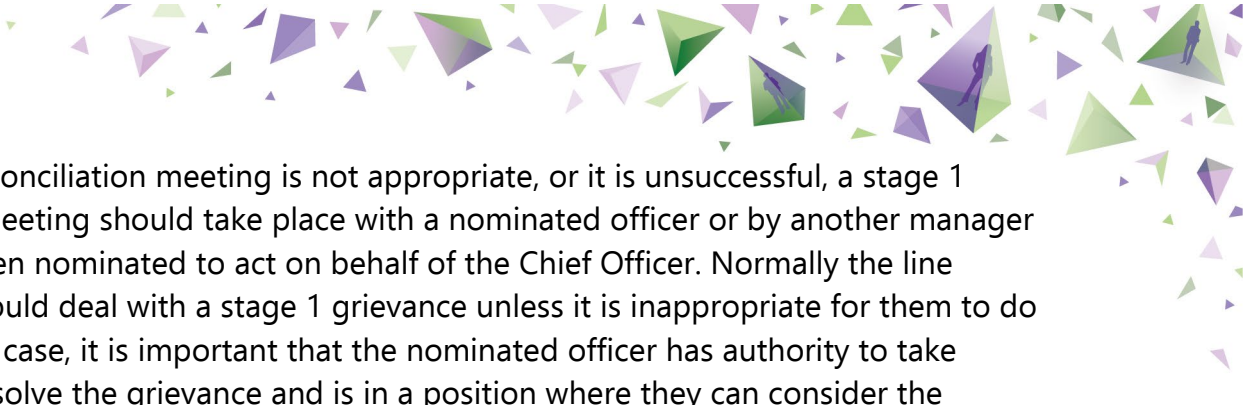
Where a grievance cannot be settled informally, stage 1 of the formal Grievance Procedure will be invoked. To formalise a grievance the aggrieved employee must complete a [statement of grievance](#) and submit it to the Section Chief Officer who will nominate an officer to deal with the grievance. A copy of the grievance should also be sent to HR@highland.gov.uk.

Where a grievance relates to **Bullying & Harassment**, the statement of grievance should be submitted to one of the Nominated B&H Senior Officers listed below and copied to [HR](#).

Nominated B&H Senior Officers	
Tracey Urry	Tracey.urry@highland.gov.uk
Colette Macklin	Colette.macklin@highland.gov.uk
Donna Sutherland	Donna.sutherland@highland.gov.uk
Fiona Malcolm	Fiona.malcolm@highland.gov.uk
Alan McKinnie	Alan.mckinnie@highland.gov.uk

Conciliation Meeting

Where possible, a conciliation meeting that is facilitated by HR should take place with the aggrieved employee and other appropriate parties. The purpose of the meeting is to support the employee and to enable a timely, fair and transparent resolution.



Where the conciliation meeting is not appropriate, or it is unsuccessful, a stage 1 grievance meeting should take place with a nominated officer or by another manager who has been nominated to act on behalf of the Chief Officer. Normally the line manager would deal with a stage 1 grievance unless it is inappropriate for them to do so. In either case, it is important that the nominated officer has authority to take action to resolve the grievance and is in a position where they can consider the grievance and make an objective judgement on its merits.

Please refer to the [checklist](#) and process flow chart which forms part of these guidelines for further information on the process of preparing to hear a grievance.

Background research after the meeting will ensure that the nominated officer understands the surrounding circumstances without developing any fixed views as to how the grievance can be resolved. It may involve speaking to people, calling for reports, searching files and examining procedures. Such research demonstrates that the nominated officer is treating the grievance seriously and in a positive way. When arranging the meeting, it is important that the nominated officer informs the aggrieved party of the intention to carry out research after the meeting. **It is not appropriate or necessary to appoint an investigating officer to carry out this background research.**

Right of Appeal

Employees have the right to appeal the outcome of a stage 1 grievance if they feel the outcome was wrong, the procedure was unfair, or because there is new evidence relating to the original grievance. The grievance appeal form ([Appendix 4](#)) should be submitted to the Cluster Assistant Chief Executive (ACE) within 10 days of receipt of the grievance outcome, clearly outlining the reason for appeal.

Stage 2

The stage 2 grievance appeal hearing should be heard by a nominated senior manager from a different Cluster to ensure a fair and impartial process.

Purpose:

To give an aggrieved employee the opportunity to challenge the outcome of the stage 1 grievance or if they feel the outcome was wrong, the procedure was unfair, or because there is new evidence relating to the original grievance.

Desired Outcome:

- Employee concerns are fully heard and where appropriate, means of resolving the problem are agreed.
- Where the grievance is not upheld, this is clearly communicated to the employee along with reasons for this decision.
- The grounds on which the employee is aggrieved are resolved; or
- The employee is clearly informed that the outcome of stage 1 is considered to be correct and that the stage 2 grievance is not upheld; or
- Further action is proposed on the basis that attempts to resolve the grievance at stage 1 have not gone far enough to resolve matters or because further incidents have taken place since stage 1.

The purpose of the stage 2 appeal hearing need not necessarily be to rehear the entire grievance (although in most cases this will be unavoidable to ensure a fair hearing). Rather, the purpose of the appeal hearing is to enable the aggrieved employee(s) to briefly state their case and the grounds on which they are aggrieved at the decision reached at stage 1 of the procedure. The manager who heard the stage 1 grievance should also be given the opportunity to justify the decision reached and any action taken. Thereafter, the nominated officer should respond in writing to the grievance appeal within 5 working days, indicating whether the appeal is upheld or not. As with stage 1 of the procedure, it is not necessary for a decision to be reached at the end of the hearing if it is considered that further investigations are required. In such a case, a timescale should be agreed when a decision will be notified.

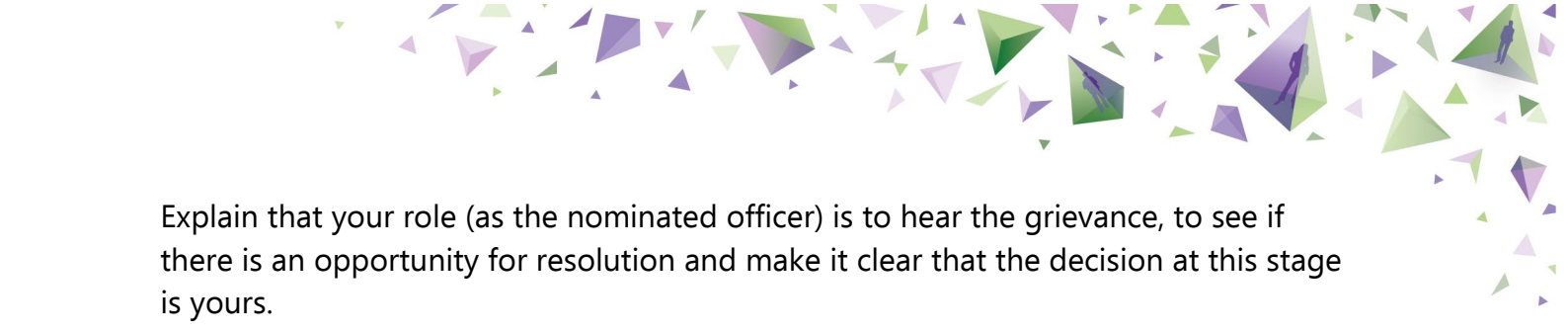
The stage 2 appeal hearing should be conducted in accordance with the process outlined below and in [Appendix 1](#) of the Grievance and Resolution Policy.

In exceptional circumstances, it may be appropriate for an aggrieved employee to submit new evidence (i.e. that was not considered at stage 1) at the appeal hearing, if the new evidence demonstrates that action taken at stage 1 to resolve the grievance has not had the desired effect. However, it is not appropriate for an employee to introduce grievances at a stage 2 hearing that have not previously been heard at a stage 1.

The outcome of the stage 2 grievance hearing concludes the grievance process. **Except in defined circumstances for Teachers who should follow the grievance procedure outlined in [LNCT4](#) Disciplinary and Grievance Procedures.**

Hearing the Grievance

An appeal hearing should involve the following steps:



Explain that your role (as the nominated officer) is to hear the grievance, to see if there is an opportunity for resolution and make it clear that the decision at this stage is yours.

Explain the role of other people present (e.g. HR Representative, Employee's representative).

Explain the process to be followed during the meeting.

Make it clear that whilst the Grievance Procedure states that you may give your decision at the end of the meeting; if circumstances require, you may take some time to consider the response or action to be taken, particularly if further information is required.

Explain that you are prepared to consider constructive solutions which the individual(s) put(s) forward without a commitment to implement any or all.

Invite the aggrieved employee to briefly state their grievance to ensure that your understanding is clear.

Invite the aggrieved employee to call any witnesses in support of their grievance and present any supporting information (e.g. documents).

Ask questions of any witnesses called by the employee.

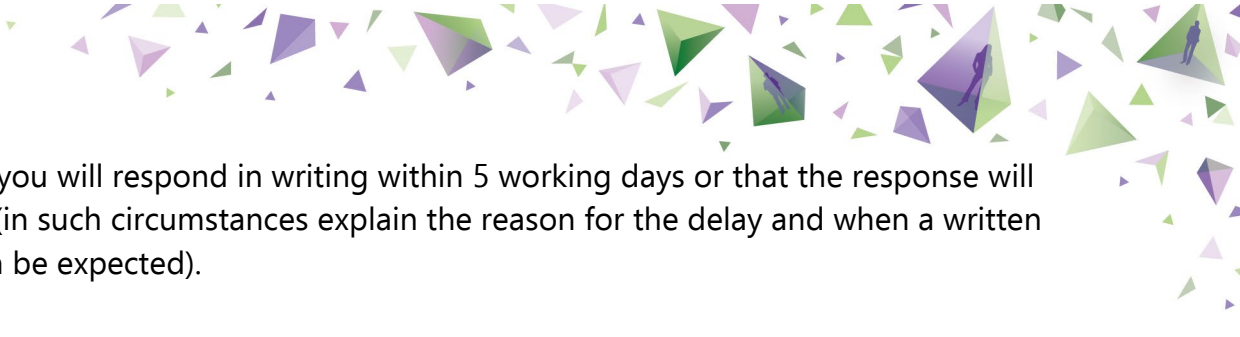
Call any witnesses whom you consider can contribute to discussion of the grievance (and in the case of complaints against another employee, invite that employee to call witnesses).

Invite the aggrieved employee to ask questions of any witnesses called.

Ensure that you keep a clear record of the important points.

Be prepared to probe points made at the meeting, including post meeting enquiries so that your decision is well informed.

At the end of the meeting, sum up your understanding of the grievance (or ask the employee to sum up their grievance), the content of the discussion, and the action that you now intend to take (to give a decision almost immediately, or to give a decision after further consideration and analysis).



Advise that you will respond in writing within 5 working days or that the response will be delayed (in such circumstances explain the reason for the delay and when a written decision can be expected).

After the meeting, carry out any further enquiries (if needed) to clarify your understanding of the situation.

Examine the Information gathered and analyse the circumstances. Consider how the grievance might be resolved and take account of the aggrieved employee's proposed resolution.

Respond in writing stating whether the grievance has been upheld, upheld in part or not upheld and briefly explain your decision, explain the resolution proposed and confirm the right of appeal, as appropriate.

It is important to ensure that the conduct of the grievance meeting is non-confrontational, but not so informal as to give the impression that the grievance is not being treated with sufficient seriousness. Where the grievance involves a breakdown in the working relationship between two or more employees, the advice of the HR Representative should be sought as to the best way of bringing the disputing parties together.

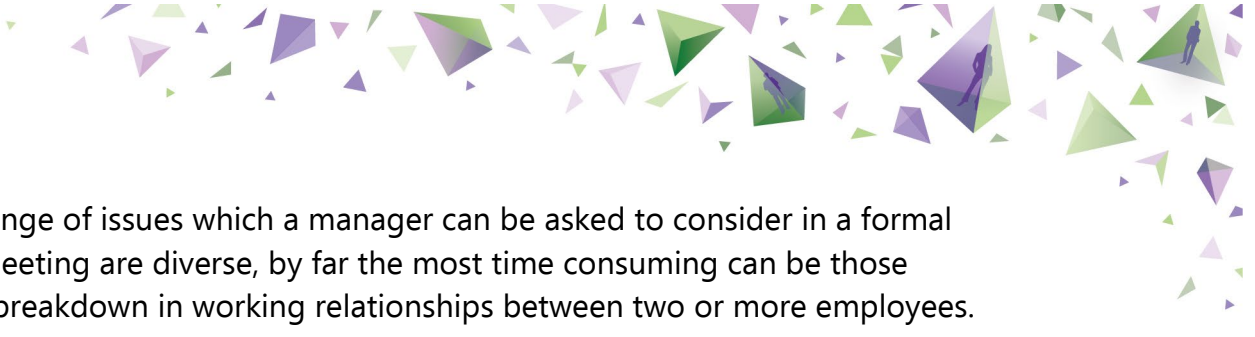
Resolving a Grievance

It is not possible nor is it desirable to be prescriptive about how grievances should be resolved and for this reason these guidelines do not include an exhaustive list of possible resolutions. However, the following issues should be borne in mind when hearing a grievance:

It is important to have an open mind as to the options for resolution that might exist. It is essential from the point of view of continued employee motivation that legitimately held employee concerns are heard and resolved promptly. At the same time focus must be maintained on the best course of action for ensuring business continuity.

Options for resolution of a grievance might include counselling for one or more employees or mediation as a means of bringing the parties of a dispute together and resolving concerns. However, there are other options for resolving a grievance and the best means of reaching a resolution will depend on the grounds for the grievance and the extent to which it is expected that management intervention can effectively resolve matters.

Mediation



While the range of issues which a manager can be asked to consider in a formal grievance meeting are diverse, by far the most time consuming can be those involving a breakdown in working relationships between two or more employees. Often there is a requirement that these employees work closely and effectively together for service delivery purposes and little option exists to redeploy one or more individuals or reallocate duties to separate the parties involved. It is also the case that such grievances can be the most damaging to continued effective service delivery and can have a long as well as short term impact on business continuity. In such circumstances, the role of the manager in bringing the parties together, getting to the root of the problem and finding an acceptable solution is crucial. It will not always be the case that the solution proposed will be to the satisfaction of all parties, however, in such circumstances the continued provision of a service is of paramount importance.

Where working relationships appear to have irretrievably broken down and the manager is presented with two (or more) conflicting versions of events, it may be appropriate to consider the involvement of an independent person to act as a mediator between the parties. The role of a mediator is to encourage open and frank discussion, without taking sides, to encourage all parties to reach an understanding of the impact of their behaviour on the other party. In many cases, understanding the impact of a particular behaviour on another person can help to encourage a change to that behaviour. In such circumstances, the advice of the HR Representative should be sought in the first instance, before moving to involve a mediator.

Decision and Follow Up

Key Features:

- Written response within 5 working days of the meeting
- Clearly state whether the grievance has been upheld or not
- Propose resolution to the grievance where appropriate
- Propose arrangements to monitor impact of resolution, where appropriate
- Notify the aggrieved employee of the conclusion of the grievance process.

As stated above, the nominated officer may be required to conduct further research before reaching a decision. It is not likely that every grievance raised will be resolved in the way employees wish. It is an important skill for the person hearing the grievance to be able to say "no" - but with an explanation of why such a decision was reached. The decision must not be given in vague or inconclusive terms and should, wherever possible, be given verbally first. **It is the responsibility of the nominated officer to confirm the decision in writing within 5 working days.** [Template letters](#) are available.



Post-Employment Grievances

The Grievance Procedure requires that grievances submitted by a former employee must be heard in accordance with procedure where that grievance is submitted up to 4 months after the employee leaves the employment of the Council. The only exception to this provision would occur where it would not be practicable for the former employee to attend a hearing (for example because they have left the country). In such cases, and with the agreement of the aggrieved former employee, a modified procedure should be followed in which the former employee submits a detailed written statement of grievance which is investigated and responded to in writing.

Separation from the Disciplinary Process

It is possible that potential disciplinary matters may arise through a grievance. The procedure for dealing with disciplinary matters is laid out in the Council's Disciplinary Procedures, including appeals. The Grievance Procedure should not be used for disciplinary purposes. Similarly, the Grievance Procedure cannot be used by employees to complain of the application to them of disciplinary sanctions. Should it emerge while hearing a grievance that there is a potential disciplinary issue, the grievance hearing should be suspended until the relevant matters have been investigated under the Disciplinary Procedure. Following this, the employee should be informed of the process to be followed.

Role of HR

It is appropriate that the hearing of grievances is the responsibility of the Service. HR will be able to give advice and guidance on the application of the procedures, competent issues for consideration under the Grievance Procedure and the effectiveness of potential decisions and solutions. It may be that support from the [Employee Assistance Programme](#) is required, and HR can signpost this and other support measures to managers and employees.

HR has an important role and provides support to managers and employees. It is essential in the case of grievances against proposals to change terms and conditions of employment that HR are contacted at an early stage to provide advice on available decisions and resolutions to grievances.

Supplementary Issues

Status Quo Ante

The purpose of the status quo ante provision is to protect employment rights, working arrangements and contractual terms and conditions which are subject to proposals for change, until such time as the affected employee(s) has had sufficient opportunity to voice concerns about the proposed change and to seek to make a case to management against the proposed change.

However, as an over-riding principle, the operational needs of service delivery take precedence and the status quo ante provision should not therefore be regarded as a mechanism for blocking or preventing the implementation of legitimate management decisions taken following consultation and having due regard to the circumstances of the individuals affected by the proposed change.

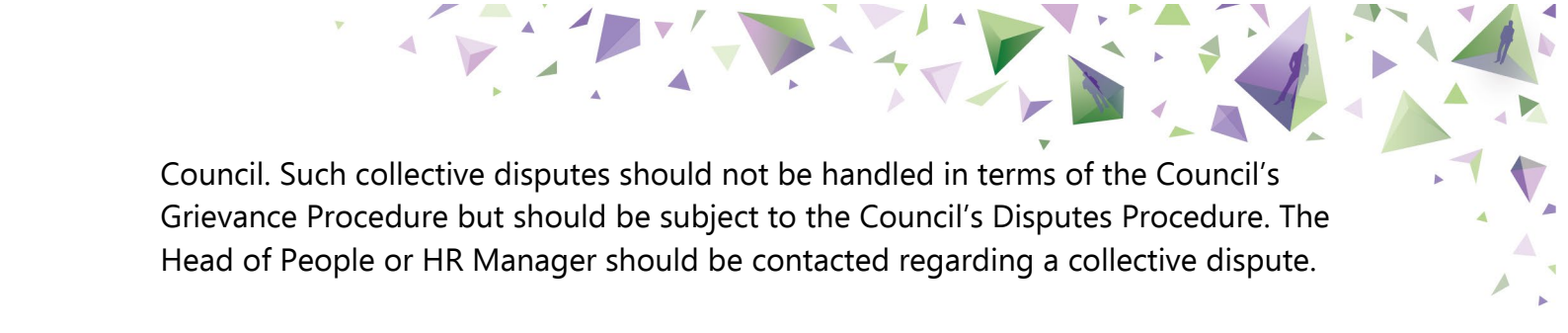
In general, it would be appropriate for the grievance procedures to be exhausted before a change is made. However, it should be recognised that management are entitled to make decisions about the way in which services are delivered, in the best interests of service recipients, and which may have an impact on employees. Where there are concerns that a grievance has been lodged purely as a means of obstructing, delaying, or otherwise preventing the effective management of service delivery then the status quo ante need not necessarily apply, provided objective justification for overriding this provision can be demonstrated. However, such a decision should only be taken in consultation with and with the authorisation of the Chief Officer (HR & Communications) or Head of People.

Withdrawal

Where an employee indicates verbally their intention to withdraw a grievance, they should in all cases be asked to confirm in writing that they no longer wish to pursue their grievance. However, in certain circumstances, where there are sufficient grounds for concern, it may be appropriate to advise the employee that the matter originally complained of will still be investigated or monitored for a period, notwithstanding the grievance will be deemed to have been abandoned. This may particularly be the case where concerns are raised about the treatment at work received by one employee from another employee or group of employees.

Collective Grievances

A collective grievance is defined as a concern shared by two or more employees. This should be differentiated from a collective dispute between the Council and a group of employees, represented by employee representatives, concerning a decision of the



Council. Such collective disputes should not be handled in terms of the Council's Grievance Procedure but should be subject to the Council's Disputes Procedure. The Head of People or HR Manager should be contacted regarding a collective dispute.

Collective grievances should be dealt with in the same way as a grievance from a single employee and in accordance with the procedure and these guidelines.

Confidentiality

It is important that all parties involved in the grievance process understand that the process is confidential and can often concern matters of a personal nature to the employee who has taken out a grievance. It is the responsibility of the nominated officer dealing with the grievance to ensure that all participants (including witnesses) understand the confidential nature of the process.

Grievances that are raised against employees will be shared with those employees to enable them the opportunity to fully respond.

Timescales

The Grievance Procedure requires that, when a formal grievance is lodged, a grievance meeting should normally be arranged within 15 working days. Following the hearing of the grievance a written response should normally be issued within 5 working days thereafter. Officers responsible for hearing formal grievances must wherever possible ensure that these timescales are observed. However, where, for example, further information is required or some other delay would make it impossible to respond fully within the timescales specified in the procedure, agreement should be reached on an acceptable timescale with the employee(s) who has lodged the grievance.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Grievance and Resolution Webpage	Click Here
Disciplinary Page	Click Here
Grievance & Resolution Policy	Click Here
Bullying & Harassment at Work Policy	Click Here
Mediation Guidance	Click Here
Sexual Harassment Policy	Click Here
Bullying & Harassment Contacts	Click Here
Stage 1 – Grievance Hearing – Invite Template Letter	Click Here
Stage 2 – Grievance Appeal Hearing – Invite Template Letter	Click Here
Stage 1 – Grievance Outcome Letter Template	Click Here
Stage 2 – Grievance Outcome Letter Template	Click Here
Grievance Hearing Checklist	Click Here
Mediation Request Form	Click Here
Whistleblowing	Click Here
Appendix 1 – Formal Grievance Procedure	Click Here
Appendix 2 – Grievance Stages, Appeals & Time Limits	Click Here



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