



## People & ICT

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# Grievance Policy & Procedure

### Document Control

Version	Date	Authority	Change
1.0	27.05.15	Partnership Working Forum / Resources Committee	Standard policy format

## Introduction

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.

This policy and procedure will apply to all employees except the Chief Executive and Directors.

This procedure will also apply to former employees where the grievance is raised within 4 months of cessation of employment.

Where a grievance is raised out with this timescale, it should be referred to the Head of People & ICT.

## Aims

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

## Principles

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

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.

If informal methods do not succeed and the aggrieved party remains dissatisfied with the outcome or response, the formal procedure should be used.

All grievances will be dealt with quickly, fairly and within the suggested time limits.

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, safety & wellbeing
- relationships at work
- new working practices
- organisational change
- equal opportunities 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.

Individual and group grievances will be dealt with using the same procedure and including the same stages.

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 at all stages in the grievance process.

### **Procedure**

Every attempt should be made to resolve the matter through informal discussion or through informal representation by 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 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 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.

### **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.

### **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.

### **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.

### **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.

### **Stages and time limits**

Details of grievances stages, appeals and suggested time limits are set out in Appendix 2.

### **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
- 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 Highland Council Resources Committee.

## APPENDIX 1

### Formal Grievance Procedure

#### Stage 1

The employee should submit a formal written statement of grievance to the nominated senior officer using the attached form (Appendix 3), outlining clearly the nature of the grievance.

The form should 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.

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.

#### 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.

#### 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 statement of appeal must be submitted in writing within 10 working days of receipt of the Director or nominee's decision.

A meeting of the Appeals Sub-Committee will be convened within 20 working days of receipt of the written statement of appeal.

#### 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. This is only permissible if the original grievance is in accordance with the following terms:

- 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.
- 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.
- 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 into 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.

- The decision of the Appeals Panel will be final and binding on all parties to the appeal.

## 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 written response  5 working days to issue written Response
3	Highland Council Appeal Sub-Committee	Appeal hearing to be heard within 20 working days  5 working days to issue written response
4*	Scottish Negotiating Committee for Teachers.	Determined by the Scottish Negotiating Committee for Teachers.

\* 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**

THE 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, Head teacher, 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:**





Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Receipt of this form must be acknowledged*