

Human Resources

GRIEVANCE PROCEDURE

Version 0.2

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1. Introduction

- 1.1 The Council and Trade Unions recognise that, from time to time, employees may wish to raise concerns relating to their employment, either individually or collectively. The policy of the Council, as agreed with the Trade Unions, is to seek resolution to such problems quickly and effectively, and the aim of this Procedure is to provide a consistent and fair mechanism to achieve this.
- 1.2 The Procedure applies to employees whose pay and conditions of service are governed by the following negotiating bodies:-
 - The Scottish Joint Council for Local Government Employees
 - The Scottish Joint Council for Local Authorities Services (Craft Operatives)
 - The Scottish Joint Negotiating Committee for Local Authorities Services (Chief Officials)
- 1.3 While the Council recognises the need for a formal procedure, it is considered preferable to reach a solution by informal discussion and agreement, as close to the point of origin as possible. The formal stages in the Grievance Procedure should only be used when attempts at informal resolution have failed.
- 1.4 The timescales, which have been agreed, are intended to ensure that, while the issues raised are given proper consideration, grievances are progressed without undue delay. At each stage therefore every effort should be made to respond to grievances as quickly as possible. These timescales may, however, be varied in certain mutually agreed circumstances.
- 1.5 Where a grievance is raised in relation to a proposed change in terms or conditions of service then the status quo-ante (the previous state of affairs) will be maintained until such time as the issue which is the subject of the grievance is finally resolved. For other grievances the status quo will apply where it is reasonably practicable.
- 1.6 An employee may be represented by a Trade Union representative or some other person of their choice at all stages of the Procedure.
- 1.7 In all cases and at all stages in the procedure the employee when submitting a grievance should state clearly the resolution he or she seeks.
- 1.8 All formal grievances should be submitted using Form PERS/G/01 attached as Appendix 1.

2. Scope of Procedure

2.1 The following matters are covered by the Grievance Procedure:-

- (a) matters relating to the application of the Scheme of Conditions of Service unless covered under separate procedures as detailed in paragraph 2.2. below;
- (b) any matter which could be referred to an Employment Tribunal excluding termination of employment on disciplinary grounds; and
- (c) any other grievance.

2.2 The following matters are excluded from these Procedures as they are covered by separate procedures:-

- (a) matters relating to disciplinary action, for which a right of appeal is provided in the Disciplinary Procedures;
- (b) matters relating to allegations of discrimination, harassment and victimisation, for which there is a separate policy;
- (c) the grading of posts under the terms of the Job Evaluation Scheme.
- (d) matters relating to recruitment and selection, for which there is a separate complaints procedure; and
- (e) matters covered by the Confidential Reporting Policy (Whistleblowing).

2.3 Notwithstanding the exclusions referred to in section 2.2 above there may be circumstances in which matters may be brought within the scope of the Grievance Procedure having been initiated under one of the other Procedures.

3. Informal Resolution

3.1 It is accepted that normally in the first instance, an employee should raise concerns with his/her line manager and attempt to seek resolution by informal discussion.

3.2 The line manager should attempt to identify the nature and cause of the problem, possible courses of action or responses and their implications. Following these discussions, the line manager should verbally inform the employee as soon as possible, or in any case within **3 working days**, of any action to be taken.

- 3.3 A formal grievance may be lodged in writing by the member of staff or his/her representative, if the employee is not satisfied with the manager's response, in accordance with the arrangements outlined below.

4. Formal Procedures

4.1 Stage 1

- 4.1.1 The employee or his/her representative shall submit a written statement setting out as fully as possible the nature of the grievance, with supporting documentation if appropriate, to his/her line manager. The employee should also provide the names of any relevant witnesses. This will allow statements to be taken from these witnesses and these statements will be made available to all parties in advance of the hearing. Form PERS/G/01 should be used to submit the grievance.
- 4.1.2 The line manager will then convene a hearing to consider the issues raised, within **five working days** of receipt of the written statement of grievance.
- 4.1.3 In some cases, it may be inappropriate for the matter to be considered by the employee's line manager, and the grievance may be referred to the Head of Service or his/her nominated representative. However, the grievance will not be referred to the Head of Service solely on the grounds that the line manager has already considered the matter informally.
- 4.1.4 The manager conducting the hearing will provide a reasonable opportunity for all relevant information to be presented and considered. He/she may be advised by a professional member of staff from Human Resources.
- 4.1.5 The employee will have the right to be accompanied/represented by a trade union official or some other person of their choice, and is responsible for arranging this.
- 4.1.6 Where the grievance has been raised by a group of employees, up to two spokespersons, with representation, may attend the hearing.
- 4.1.7 Following the hearing, the manager who conducted the hearing will provide a written response to the employee, and a copy to their representative, within five working days.

4.2 Stage 2

- 4.2.1 If the employee remains dissatisfied with the response, the matter may be referred in writing to the Head of Service requesting a further hearing. This request should be submitted in writing, using Form PERS/G/01 within five

working days of the employee receiving written notification of the outcome of the Stage 1 hearing.

- 4.2.2 The Head of Service or his/her nominee will consult with Human Resources and convene a hearing within **ten working days** of receipt of this request.
- 4.2.3 The hearing should be conducted in accordance with paragraphs 4.1.4 - 4.1.7 above. The manager who originally heard the grievance at Stage 1 should normally attend. A Human Resources Advisor should attend the hearing.
- 4.2.4 It is the responsibility of the employee to arrange for appropriate representation through either a Trade Union official or some other person.
- 4.2.5 Following the hearing, the manager who conducted the hearing will provide a written response to the employee, and a copy to their representative, within **five working days**.

4.3 Stage 3

- 4.3.1 If the employee remains dissatisfied with the response, the matter may be referred to the Human Resources (Appeals) Sub-Committee. This request shall be submitted using Form PERS/G/02 (available from Human Resources) and should be submitted to the Head of Organisational Development and Human Resources within **ten working days** of the employee receiving written notification of the outcome of the Stage 2 hearing.
- 4.3.2 The Head of Organisational Development and Human Resources, will arrange for the Human Resources (Appeals) Sub-Committee to consider the grievance within **twenty working days** of receipt of the request, or as soon as possible thereafter. The appeal will be heard in accordance with arrangements contained in Appendix 2.
- 4.3.3 The decision of the Human Resources (Appeals) Sub-Committee will be notified to the employee within **five working days** of the Sub-Committee meeting.
- 4.3.4 Other than in the circumstances referred to in para 4.3.5 there is no further right of appeal against a decision of the Human Resources (Appeals) Sub-Committee and at this stage the grievance procedure is concluded.
- 4.3.5 Although there is no general right of appeal to the Scottish Council for Local Government Employees certain matters may be considered by the Scottish Council in accordance with arrangements to be decided by them. An employee has the right to submit a matter to an Employment Tribunal in respect of a matter over which the Employment Tribunal has jurisdiction.

5. Miscellaneous

- 5.1 A grievance may be submitted by an employee or his/her representative.
- 5.2 In line with the objective contained in section 1.1 above that the intention of the procedures is to resolve grievances quickly and effectively, either party may at any time in the procedures seek to have the matters resolved without recourse to the formal procedures. Specifically in this regard, when a grievance has been submitted for consideration by the Human Resources (Appeals) Sub-Committee, the Head of Organisational Development and Human Resources having considered the submission may convene a meeting of all or either of the parties with a view to resolving the matter.

NOTIFICATION OF GRIEVANCE

**NOTE: If completing this form by hand please do so clearly and in black ink.
If you require any assistance in completing this form, please contact Human Resources.**

PERSONAL DETAILS

Name:		Service:	
Home Address:		Work Location:	
Home Telephone Number:		Grade/Rate:	
Job Title:		Work Phone No:	

TRADE UNION DETAILS

Name of Trade Union:		Name of Representative & Contact Number
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STAGE OF GRIEVANCE

Tick Appropriate Box

- STAGE 1** **Line Manager**
 STAGE 2 **Head of Service**
 STAGE 3 **Head of Human Resources/ Appeal Sub- Committee**

Have you attempted to resolve this grievance informally? Yes No

NATURE OF GRIEVANCE

Please state fully the nature of the grievance

Nature of Grievance (Contd)

If grievance at Stage 2 or Stage 3, please state what answer was provided at the previous stage.

Please indicate in your opinion how the grievance could be resolved.

Signature:

Date:

Once you have completed this form, please submit to one of the following:

- ◆ Your Line Manager (for Stage 1 Grievances) *
- ◆ Your Head of Service (for Stage 2 Grievances) *
- ◆ Head of Organisational Development and Human Resources (for Stage 3 Grievances)

* A copy of this form should also be sent to Human Resources, at Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

Human Resources (Appeals) Sub-Committee

Grievance Procedure

Procedure to be followed at the Hearing of a Grievance Appeal

1. At the appeal there may be present at all time, the appellant; his/her representative; the Service's representative(s).
2. A person or persons, acting in an advisory capacity to the appellant, his/her representative, or to the Service's representative, may also be present at the hearing, provided such persons are made known to the Sub-Committee prior to the case commencing.
3. The appellant, or the appellant's representative will put forward his/her case in the presence of the Service's representative and call such witnesses as required.
4. The Service's representative(s) will have the opportunity to ask questions of the appellant, the appellant's representative and witnesses.
5. The members of the Sub-Committee will then have the opportunity to ask questions of the appellant, the appellant's representative, and witnesses.
6. A Service representative will then present the Service's case, in the presence of the appellant, the appellant's representative, and may call witnesses.
7. The appellant and his/her representative will have the opportunity to ask questions of the Service's representative and witnesses.
8. The members of the Sub-Committee will then have the opportunity to ask questions of the Service's representative and witnesses.
9. The Service's representative and thereafter the appellant, or the appellant's representative, will have the opportunity, if they so wish, to sum up the case in final clarification, introducing no new material.
10. The Service's representatives, the appellant and his/her representative, and any advisers if present, shall then withdraw.
11. The Sub-Committee, in the presence of the Officer(s) appointed to assist the Sub-Committee, will then deliberate in private, only recalling, if necessary, the Service's representative, the appellant and his/her representative, to clarify points of uncertainty on evidence already given. If recall is necessary,

both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

12. The Sub-Committee shall recall the Service's representative the appellant and his/her representative and announce their decision on the grievance, which will be confirmed in writing.

13. Under the Council's Scheme of Delegation to Committee, the Human Resources (Appeals) Sub-Committee is authorised to uphold or reject grievances. The form of the decision to be announced by the Sub-Committee shall be one of the following as appropriate:-

- ◆ That the grounds of the grievance have been substantiated and the grievance be upheld.
- ◆ That the grounds of the grievance have not been substantiated and the grievance is not upheld.

