

East Dunbartonshire Council

Grievance at Work Policy & Procedures

**Chief Officers & Local Government
Employees**

Education, People & Business

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East Dunbartonshire Council

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Grievance at Work Policy

1.0 POLICY STATEMENT

- 1.1 The Council is committed to the fair and consistent treatment of all employees to create a positive working environment. This policy aims to ensure that any grievances arising from employment are resolved quickly and to the satisfaction of all concerned with minimal disruption.
- 1.2 The Council in partnership with Trade Union colleagues recognises the importance of mechanisms for employees to raise concerns and the policy has been developed in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures (2019), with strong emphasis on informal resolution where appropriate.

2.0 SCOPE

- 2.1 The Grievance at Work Policy applies to Chief Officers, Craft and Local Government Employees.
- 2.2 Specific procedural requirements, relating to the application of the Grievance at Work Policy for those employees on SNCT Conditions of Service are detailed in the Education Procedure Manual 2/19 - Grievance Procedures for Teachers.
- 2.3 For the purposes of this policy, a grievance is:
 - A means of addressing concerns, problems or complaints that employees raise with their employer;
 - A way of resolving issues in a reasonable and transparent way;
 - A two way process of reaching a resolution;
 - Underpinned by a fair and objective approach.
- 2.4. Issues that may cause grievances include:
 - Terms & Conditions of Employment;
 - Health & Safety;
 - Work Relations;
 - New Working Practices;
 - Working Environment;
 - Organisational Change;
 - Discrimination.
- 2.5 Matters in relation to bullying, harassment or victimisation should in the first instance be considered under the Council's Dignity at Work Policy. The Grievance at Work Policy should only be utilised for allegations of bullying and harassment when the employee is unsatisfied with the outcome through the Dignity at Work Policy.

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- 2.5 The following matters are excluded from the Grievance Policy as they are covered by separate procedures:
- Matters dealt with under the Discipline at Work Policy;
 - Matters which are already subject to fact finding;
 - Allegations covered by the Council Whistleblowing Policy;
 - Matters related to the PDR Framework;
 - Matters relating to Flexible Working Requests;
 - Any matter relating to the grade, rate of remuneration or other term or condition regulated by collective agreement **except** where the grievance relates to the interpretation or application of a part of the provision to an individual employee;
 - Matters concerning national agreements (other than local interpretations);
 - Complaints relating to statutory sick pay schemes;
 - Complaints relating to the Local Government Pension Scheme;
 - Matters outwith the scope or responsibility of the Council;
 - Matters related to Equal Pay will follow a separate established procedure.

Grievances received which are excluded will be deemed not competent and will not be considered in line with the Grievance at Work Policy.

- 2.6 Where grievances are received from ex-employees who no longer work for the Council advice should be sought from a HR Case Adviser.

3.0 REFERENCES & RELATED DOCUMENTS

- 3.1 This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation.
- 3.2 This policy should be applied with reference to the Charter of Roles & Responsibilities for Employment based Policies and Procedures.

4.0 DEFINITIONS

- 4.1 **Grievance** - The ACAS Code of Practice relating to Grievance at Work refers to Grievances as “concerns, problems or complaints that employees raise with their employers”. Employees may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with their line manager. In circumstances in which an employee is unclear whether the issue they wish to raise or have addressed would fall under the scope of the policy, advice should be sought from their HR Adviser.
- 4.2 **A companion/employee representative** may be a fellow worker, Trade Union Representative or Official employed by a Trade Union. Individual representatives from appropriate support groups may be considered as a companion by prior arrangement. A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures.

5.0 POLICY OUTLINE

5.1 Best Practice Principles

The Council takes the approach of aiming to resolve disputes informally in the first instance to avoid formal processes being taken in all cases. It is recognised that this is not always possible and that there may be circumstances that do not lend themselves to this approach.

All Grievances will be dealt with as follows:

- Consider an **informal approach** as the first step in resolving issues.
- Issues should be raised in writing and dealt with **promptly** without unnecessary delay using the notification of grievance form where possible;
- Managers and employees involved should act **consistently**;
- Managers should carry out any necessary investigations to establish the facts of the case.
- Any grievance hearing will be conducted by a **manager not involved** in matters giving rise to dispute;
- Employee **outlines the basis of the problem** and has the opportunity to present their case before decisions are made;
- Consideration given to any reasonable adjustments to assist employees in formulating a written grievance and/or to engage in the process for an employee with a disability.
- Address any mitigating factors raised in the process;
- In cases where the line manager is the subject of the grievance, employees should be able to discuss their concerns with another manager or raise the issue directly with their HR Case Adviser;
- The **right to be accompanied** at any grievance meeting/hearing;
- Decisions communicated in writing without unnecessary delay;
- The **right of appeal** against formal decisions made.

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5.2 Informal Resolution

Informal action should always be considered as a first step in addressing an issue which has been raised by an employee to avoid the matter being progressed through formal procedures. This also allows for problems to be settled quickly. Whilst recognising that the nature of an employee's grievance can be very wide, in many instances it can best be resolved in an informal manner in open discussion with the employee's line manager or in writing.

The informal discussion may include identifying the nature and cause of the problem, possible action and their implications. In having an informal discussion outcomes may be identified and can include mediation, coaching and training.

5.3 Formal Grievance Guidance

At all stages within the grievance procedures, an employee will have the right to withdraw the grievance at any time and resolve the matter through an agreed alternative method.

If an employee raises a grievance during a disciplinary process, there may be a requirement to temporarily suspend the disciplinary process in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both at the same time.

5.3.1 Raising a Formal Grievance

The Council aims to resolve issues at the informal stage where possible however, it is recognised that this will not always be possible. If the matter is not resolved to the employees satisfaction, they should raise a **grievance formally** using the 'Notification of Grievance Form' which should be completed with all relevant information relating to the grievance.

The information included in a grievance should outline the main points of the complaint, employees should stick to the facts and avoid language which may be considered insulting or abusive. The information should also include any informal action taken by the employee/manager and the remedy proposed to resolve the issues where appropriate.

The Flowchart on Page 10 gives an overview of the process of addressing a grievance through to exhausting the procedures.

5.3.2 Grievance Hearing

A grievance hearing with the employee should be arranged, without unreasonable delay after a grievance is received to establish the facts of the written information submitted. The employee will normally be provided with at least 7 calendar day's notice of the date of the formal grievance hearing.

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This hearing will allow the employee to present their case, provide any supporting evidence relating to the grievance and propose the way they see the issue being resolved. A written record will be taken of the hearing however, no electronic recording devices will be permitted in the course of any hearings.

In certain cases there may be a need for a grievance hearing to be postponed to establish the facts of the issue. In such circumstances, continued communication with the employee is essential. Where appropriate the manager/team leader hearing the grievance will carry out any necessary investigations, to establish the facts of the case.

All employees will have the right to be accompanied by a companion/employee representative.

Any mitigating factors that are highlighted within the process of the grievance hearing will be considered in line with the information presented and the facts surrounding these should be established where necessary. It may be appropriate to take an adjournment to allow any mitigating factors or further information required to be addressed.

5.3.3 Right to Representation

Employees must make a reasonable request to exercise the right to be accompanied. If an employee's chosen companion will not be available at the time of the proposed hearing, the Council will postpone the hearing to a time proposed by the employee provided that the alternative time is both reasonable and not more than 5 calendar days after the date originally proposed. Extension to the 5 calendar days can be agreed with mutual agreement.

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

The companion **can**:

- Address the hearing to put and sum up the employees case;
- Respond on the employees behalf to any views expressed at the hearing;
- Confer with the employee during the hearing.

The companion **does not have the right to**:

- Answer questions on the employee's behalf;
- Address the hearing if the employee does not wish it;
- Prevent the employer from explaining their case.

5.3.4 Decision made on an appropriate Outcome

All information presented will be considered and a fact finding investigation may be required to establish the facts of the case or any mitigating factors that were highlighted during the hearing. The employee will be informed of the outcome of the grievance hearing in writing without unreasonable delay. If an employee does not feel that the issue is resolved satisfactorily they have the right of appeal. An appeal form will be included with the outcome letter outlining the decision at the grievance hearing.

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5.3.5 Outcomes of the Hearing/Appeal

The appropriate officer(s)/ hearing the grievance/appeal may take the following action which will be confirmed to the employee:

- Uphold the grievance;
- Uphold the grievance in part; or
- Not to uphold the grievance.

For all 3 outcomes the standard letter to the employee will outline the reasons for this.

5.3.6 Appeals Procedure

Grievance Action	Authorised Level of Management to hear Appeals against Grievance Decision
Formal Grievance Hearing	3 rd Tier Manager or 4 th Tier Team Leader
Appeal Hearing (Appeal 1)	Next Tier Manager
Appeal Hearing (Appeal 2)	Executive Officer

For Grievances raised against Executive Officers and Depute/Chief Executives

Grievance Action	Authorised Level of Management to hear Appeals against Grievance Decision
Formal Grievance Hearing	Executive Officer, Depute Chief Executive or Chief Executive
Appeal Hearing (Appeal 1)	Depute Chief Executive, Chief Executive or HR Appeals Board **
Appeal Hearing (Appeal 2)	Chief Executive or HR Appeals Board if not previously heard

For Executive Officers and Depute/Chief Executives

Grievance Action	Authorised Level of Management to hear Appeals against Grievance Decision
Formal Grievance Hearing	Depute Chief Executive or Chief Executive
Appeal Hearing (Appeal 1)	Chief Executive or Appeals Sub Committee **
Appeal Hearing (Appeal 2)	HR Appeals Board if not previously heard

** A HR Appeals Board Committee will be made up of appropriate Elected Members.

An employee has the right of appeal against decisions where they feel the action taken is unfair in the circumstances. The appeal should be submitted in writing within 14 calendar days of the response to the initial grievance/appeal hearing using the Grievance Appeal Form indicating the appropriate level of appeal, the reason for appeal and as much additional information as possible.

The appeal hearing(s) will be arranged without unreasonable delay. The employee will normally be provided with at least 7 calendar days' notice of the appeal hearing. Only in exceptional circumstances may an appeal be held outwith this period. The outcome of the appeal should be confirmed to the employee without unreasonable delay and within 7 Calendar days. Where there is any delay to this the employee should be informed.

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5.3.7 Concluding the process

There may be circumstances that will require follow up action even if a grievance has been upheld. The nature of the grievance may have had an impact on working relationships or the working environment and line managers will work to address any difficulties through informal methods.

6.0 GDPR STATEMENT

6.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: www.eastdunbarton.gov.uk/council/privacy-notices.

7.0 POLICY REVIEW STATEMENT

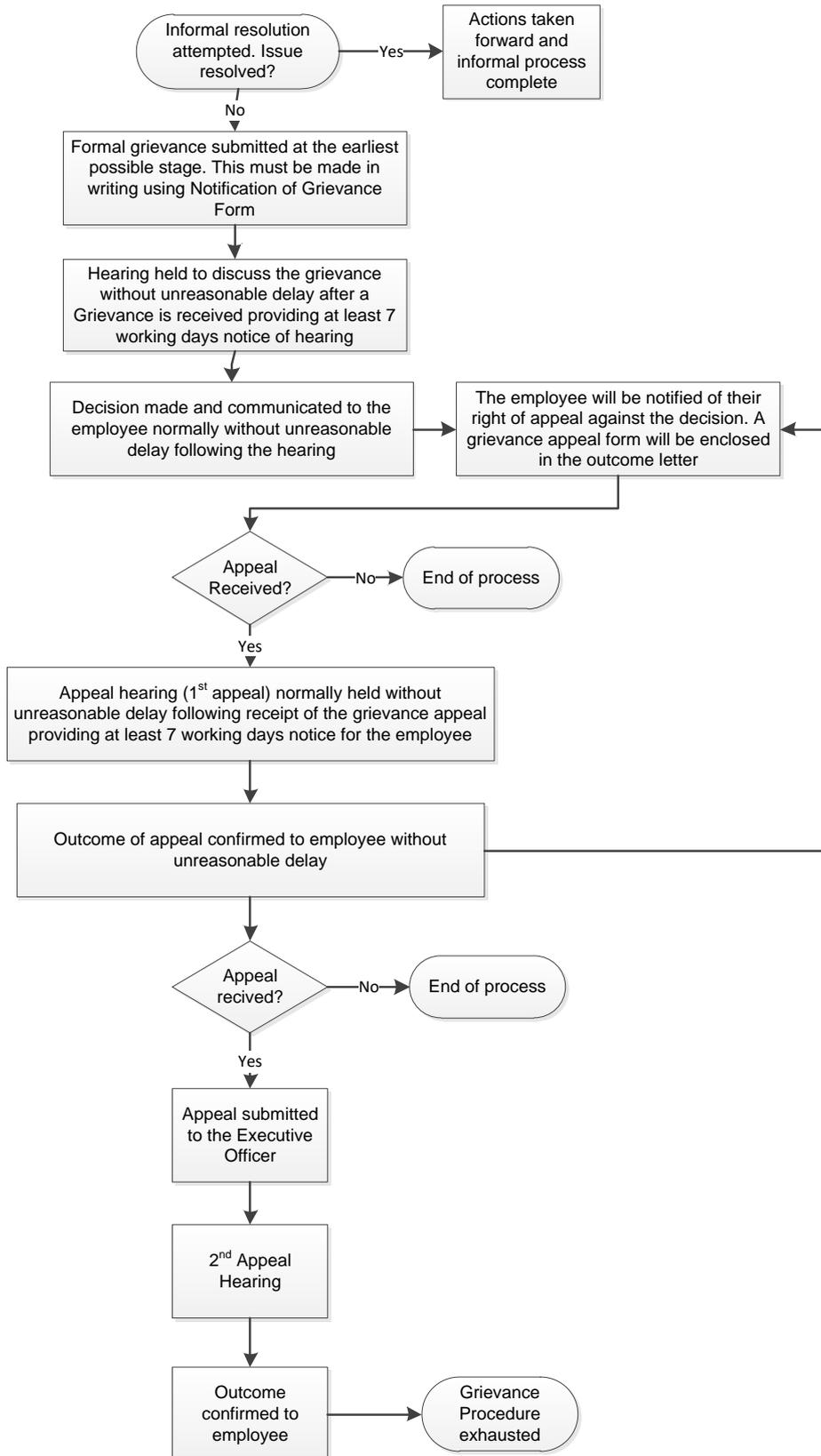
7.1 This policy will be reviewed in two years or in line with:

- Legislative Change.
- Other external factors.
- Evaluation of the effectiveness of the policy.

PROCESS INFORMATION

Formal Grievance Flowchart

Grievance at Work Policy



Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 **0300 123 4510**。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر **0300 123 4510** پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ **0300 123 4510** ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòin gu **0300 123 4510**

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया **0300 123 4510** पर फोन कीजिए।