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CORPORATE REPORT

MARCH 2018

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| Policy Title: Grievance Policy and Procedure | Policy Number: 008 |
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| Lead Person: HR | Approved by: Board |

1. Introduction

The grievance policy and procedure exists to ensure that there is a framework for handling employees' concerns, problems or complaints relating to their employment. The Commission is committed to a culture of openness and improvement and, in this context, grievances should be viewed in a positive light as a way of bringing difficulties to the fore so that improvements may be made.

At the same time, it is anticipated that only a small number of grievances will actually need to be dealt with using this procedure and the Commission encourages the use of informal processes to resolve issues where possible.

This procedure applies to all employees of the Commission and to grievances raised by both individuals and groups of employees.

The legal framework around dealing with employee grievances is outlined in Appendix 1.

2. Principles & Values

- The principles of fairness, openness, integrity and promptness are central to this policy and employees are encouraged to raise grievances without fear of penalty or victimisation. Senior Management gives a clear commitment to operate in an open, consistent and fair manner with an aim to create a no-blame culture.
- It is expected that any day-to-day problems, concerns, complaints or difficulties will be resolved in an informal way between the individual and their immediate line manager.
- At all stages of the grievance procedure an individual will have the right to be accompanied by a trade union representative or work colleague. An individual who raises a grievance should have access to appropriate personal support and advice. Given the potential sensitivity of some issues and the potential stressors, counselling for individuals involved can be accessed through the Employee Assistance Programme.
- No employee will be disadvantaged in any way by raising a grievance.

- The Public Interest Disclosure Policy should be used if an employee wishes to raise concerns about organisational malpractice or impropriety.
- This policy is internal and for employee use only and is entirely separate to the Complaints Policy, which operates to enable the public to make a complaint about the Commission.
- Grievances cannot be raised on behalf of a third party or anonymously.
- Employees initiating malicious grievances may find themselves subject to disciplinary procedures
- Once a grievance has been concluded or withdrawn it cannot be reinstated.

Procedure

3.1 Informal Procedure

Should an employee have a concern, problem or complaint relating to their employment, they should first raise it orally with their line manager, who should meet with the employee to discuss their concerns. It may be necessary to have a number of meetings to deal with this matter. Where the informal matter relates to working relationship difficulties, it may be appropriate to consider the option of mediation. Advice can be sought from Human Resources on when this would be appropriate.

3.2 Formal Procedure

a) Advising the Commission of the grievance

When an individual is unable to resolve his or her grievance through the informal procedure, it should be raised formally. Examples of what might be raised under the Grievance Procedure are outlined in Appendix 2.

Individuals should intimate any grievance, in writing, to their line manager. (See appendix 3 – ‘Grievance meeting’). If the grievance is against the person’s line manager then the grievance should be raised with line manager’s manager. The letter intimating the grievance should outline the nature of the grievance.

b) Holding the hearing

The manager receiving the grievance should formally acknowledge the grievance and invite the employee in writing to a hearing to discuss the grievance, normally within seven working days. The employee has the right to be accompanied to this hearing by a trade union representative or a colleague. The manager holding the hearing may choose to be accompanied by another manager who has not been involved in the grievance. At the hearing the employee will be given the opportunity to explain the grievance and how they think it could be settled. The hearing may be adjourned if further advice or investigation is required.

c) *Decision and outcome*

The individual will receive a written decision within seven working days of the hearing. The decision letter should set out what action the manager intends to take to resolve the grievance where appropriate. It should also outline the appeals process should the employee feel that their grievance has not been satisfactorily resolved. Examples of the possible outcomes of a grievance meeting are outlined below:

Examples of possible outcomes from raising a grievance:

1. the manager hearing the grievance accepts that the employee has a legitimate grievance and moves are taken to resolve the situation:
 - disciplinary action against the subject of the grievance where there is evidence of a breach of the disciplinary policy
 - where working relationships have broken down and, following consultation, transfer of staff to another area
 - reconsideration of decisions taken
 - changes in policy, procedure or work practice
 - use of team building or three way meetings
 - use of mediation or the Employee Assistance Programme (EAP)
 - additional support, training and/or supervision
2. the employee gains a better understanding of the circumstances surrounding their grievance and no longer feels aggrieved
3. the employee receives a verbal or written apology and no longer feels aggrieved
4. disciplinary action against the employee raising the grievance if it is found to be malicious

d) *Overlapping grievance and disciplinary cases*

If an employee raises a grievance during a disciplinary process, the disciplinary process should be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. At all times the manager should seek advice from HR.

e) *Grievances not concluded at the time of employment terminating*

If a grievance has been raised but not concluded by the time the employment terminates, where there are outstanding grounds of appeal, then whatever stage the grievance is at will be concluded with a paper review of the position and a written response.

4. Appeals

4.1 If the individual is not satisfied with the outcome of the grievance hearing, they should submit an appeal, in writing, to the appropriate person as outlined in the 'Appeal' column in Appendix 3 within the appropriate timescale set out in the decision letter. The appeal letter should set out their grounds for appeal. This appeal will be with a more senior manager than the one who dealt with the original grievance. The person receiving the appeal should formally acknowledge the appeal and invite the employee in writing to a hearing to discuss the grievance, normally within seven working days. The employee has the right to be accompanied to this appeal hearing by a trade union representative or a colleague.

4.2 The manager holding the appeal hearing may choose to be accompanied at the meeting by another manager who has not been involved in the grievance. The employee will be given the opportunity to explain their grounds for appeal and how they think it should be settled. The individual will receive a written outcome of the appeal hearing within seven working days. The decision on the outcome of the Appeal is final.

Legal Framework

Underpinning the approach to dealing with employee grievances are a number of statutory and regulatory requirements which employers are obliged to comply with. This includes:

[Employment Act 2008](#)

The Employment Act 2008 introduced new legislation pertaining to dealing with discipline and grievance. The Act is supported by the ACAS [Code of Practice - Disciplinary and Grievance Procedures](#).

[ACAS Code of Practice - Disciplinary and Grievance Procedures](#)

The Code sets out the principles employers should follow when dealing with disputes in the workplace. The Code encourages organisations to seek resolutions through informal means where possible.

The Code states that, whenever a disciplinary or grievance process is undertaken, the basic standards of fairness should still apply. For example, issues should be raised and dealt with promptly by both employers and employees, and employers should carry out any necessary investigations to establish the facts of the case.

Although a failure to follow the Code does not make a person or an organisation liable to proceedings, employment tribunals are legally required to take the Code into account when considering relevant cases.

More comprehensive advice and guidance on dealing with disciplinary and grievance situations is contained in the ACAS booklet, [Discipline and grievances at work: the ACAS guide](#). Unlike the Code, employment tribunals are not required to have regard to the ACAS guidance booklet. However, it provides more detailed advice and guidance that employers and employees will often find helpful both in general terms and in individual cases.

[Employment Rights Act 1996](#)

This legislation places a duty on an employer to provide written particulars to an employee within two months of commencement of employment. These written particulars must include details of any grievance policy or procedures which are applicable to the employee.

[Employment Relations Act 1999](#)

This legislation accords employees the right to be accompanied at any grievance hearing by a work colleague or trade union/professional organisation representative. If the chosen companion is not available at the time proposed for the meeting, the employer must postpone the hearing to the alternative time suggested by the

employee, provided that such alternative time is reasonable and falls before the end of five working days after the day proposed by the employer.

Appendix 2

Examples of issues that may be raised under the grievance procedure:

- terms and conditions of employment
- health and safety
- relationships at work
- new working practices
- organisational change
- equal opportunities
- discrimination against or on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation
- harassment
- bullying at work

This list is not exhaustive and serves only to illustrate the types of issues that might be raised under the grievance procedure

Appendix 3

Grievance meeting and hearing of Appeals

| Role | Stage One – Person responsible for holding the ‘Grievance meeting’ | Stage Two – Person who will hear the Appeal |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------|
| Chief Executive | Chair | Panel of Board Members |
| Head of Corporate Services/ Executive Directors | Chief Executive | Chair |
| Practitioners/Positions that report to Executive Directors | Executive Directors | Chief Executive |
| Positions that report to Head of Corporate Services | Head of Corporate Services | Chief Executive |
| Positions that report to Operations and Improvements Manager | Operations and Improvements Manager | HOCS |
| Positions that report to HR Manager | HR Manager | HOCS |
| Positions that report to Finance Manager | Finance Manager | HOCS |
| Positions that report to Communications Manager | Communications Manager | HOCS |
| Positions that report to Information Manager | Information Manager | HOCS |
| Positions reporting to Casework Manager | Casework Manager | Operations and Improvements Manager |



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