



# **Grievance Policy and Procedure**

**March 2012**

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## Contents

1. Policy statement .....	3
2. Scope .....	3
3. General principles.....	5
4. Procedure .....	6
5. Informal stage .....	7
6. Formal stages.....	8
6.1. Stage 1.....	8
6.2. Stage 2.....	9
6.3. Stage 3.....	10
6.4. Stage 4.....	11
7. Grievance not concluded at the time of employment ending .....	11
8. Grievance procedure – former employees.....	11
9. Grievance procedure – Executive Directors .....	11
10. Grievance procedure - Chief Executive .....	12
11. Conduct of a grievance hearing .....	12
12. Formal disputes .....	14
12.1. All employees except teachers.....	14
12.2. Teachers .....	15
13. Role of Human Resources.....	15
Appendices .....	16
Appendix 1: Notification of formal grievance (Stage 1) .....	16
Appendix 2: Notification of grievance appeal (Stages 2 or 3).....	19
Appendix 3: Grievance template letters .....	22

## **1. Policy statement**

1.1. Orkney Islands Council believes that a well-motivated and highly effective workforce is essential for the effective performance and conduct of the Authority's affairs. The Council recognises that grievances can arise between employees and the Council during the conduct of its affairs and also recognises that such grievances require to be resolved on a fair and equitable basis within a reasonable timescale in accordance with an agreed Policy and Procedure. In support of this, the Council has prepared and issued this Grievance Policy and Procedure in consultation and agreement with recognised trade unions.

1.2. This Grievance Policy and Procedure provides a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. Every effort should be made to deal with these matters promptly within the timescales outlined in the policy and as fairly as possible to avoid them developing into major problems or, potentially, collective disputes.

1.3. Executive Directors and the Head of Human Resources and Performance are responsible for arranging appropriate training and briefing on the use of this Policy and Procedure and the maintenance and updating of records to facilitate its smooth operation.

1.4. Executive Directors are responsible for the management of their Service and therefore have ultimate responsibility for resolving grievances raised by employees in accordance with this Procedure up to and including Stage 2.

1.5. This Grievance Policy and Procedure applies to both individual and collective / group grievances and the same stages should be followed.

Individual grievance – this is where one employee raises a grievance, problem or complaint in respect of their employment.

Collective / group grievance – this is where a group of employees share the same grievance, problem or complaint in respect of their employment and raise this together.

1.6. Employees should be made aware of the Grievance Policy and Procedure and have ready access to it.

1.7. This Policy and Procedure takes account of guidance contained in the ACAS Code of Practice on Disciplinary and Grievance Procedures as well as the relevant provisions from National Conditions of Service including the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service Part 2: Appendix 2.13 Grievance Framework.

## **2. Scope**

2.1. The Grievance Policy and Procedure will apply to all employees of Orkney Islands Council and its subsidiary companies including: Scottish Joint Council (SJC) / Single Status employees including Heads of Service, Teachers and other employees covered by Scottish Negotiating Committee for Teachers (SNCT)

conditions of service, Orkney College Academic staff, Executive Directors and the Chief Executive.

2.2. The Grievance Policy and Procedure will be reviewed by the Head of Human Resources and Performance or their nominated representative in conjunction with recognised trade unions in line with the schedule for the review of all Council Human Resources Policies and Procedures, normally every three years. Should changes to employment law, best practice recommendations or schemes of Conditions of Service dictate, a review within this timescale can be carried out by agreement with the Head of Human Resources and Performance.

2.3. Grievance procedures provide a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. It is not possible to specify all of the issues which may give rise to a grievance; however the main areas will include, but not be restricted to:

- Terms and conditions of service.
- Implementation of and / or application of Council Policies / Procedures.
- Matters of health and safety.
- Relationships at work.
- Organisational change / new working practices.
- Issues relating to equality.

Some of these issues may be covered by other procedures e.g. Disciplinary; dignity at work; whistle-blowing; managing poor work performance (Capability) and such issues should be addressed through the relevant policy / procedure.

2.4. It is not considered competent to raise a grievance in respect of the outcome of any Council Policy or Procedure which contains its own appeal mechanism. However it is possible to raise a grievance in respect of the application of a Council Policy and Process where this is not covered within the specific appeal process.

2.5. Where a grievance is raised during a disciplinary process it will be dealt with in accordance with the ACAS Code of Practice. The disciplinary process may be temporarily suspended in order to deal with the grievance; or where the grievance and disciplinary cases are related they will be dealt with concurrently. Human Resources shall advise on the appropriate course of action should such circumstances arise.

2.6. Where a counter grievance is raised during a grievance process, where the cases are related the counter grievance will normally be considered as part of the existing grievance. However, in a small number of cases this may not be possible and in these situations the counter grievance will be dealt with separately, either running in parallel with or after the original grievance. Human Resources shall advise on the appropriate course of action should such circumstances arise.

2.7. It is not considered competent to raise a grievance in respect of issues arising from the content of a process of consultation; such issues should be raised as part of the consultation. Once the consultation process has been concluded and where the issues remain unresolved a grievance could then be submitted.

2.8. Where it is identified that an employee has raised a malicious grievance, this matter will be dealt with inline with the provisions of the Council Disciplinary Policy and Procedure.

2.9. It is in the best interests of the Council and its employees that matters of concerns that could give rise to a grievance are dealt with promptly. Grievances raised in respect of situations, incidents or issues that occurred out with a period of three months, would not normally be considered a competent grievance, except where the issue is still ongoing at the time that the grievance is raised.

### **3. General principles**

3.1. The aim of the Grievance Policy and Procedure is to achieve a satisfactory resolution to a particular problem for all parties involved. The operation of the Policy and Procedure in a satisfactory manner will depend on the adoption of certain general principles, which are in accordance with recognised best practice as detailed below.

3.2. The Grievance Policy and Procedure allows for a series of stages ranging from an informal approach to an appeal at national level. In many cases, addressing a grievance informally can resolve the matter and it is hoped that all grievances can be dealt with on this basis. In a small number of cases it may be necessary over a period of time to pursue the grievance through further stages within this procedure in order to resolve the issue(s) raised.

3.3. Decisions relating to a grievance should, if possible be taken at the lowest appropriate level.

3.4. All grievances should be dealt with quickly, fairly and within the agreed timescales outlined within this Policy and Procedure. Where this is not possible, mutually convenient alternative arrangements should be put in place to enable the matter to be resolved as quickly as possible.

3.5. Individual and group grievances must be dealt with using the same Policy and Procedure and the same stages should be followed.

3.6. At all stages of this procedure (with the exception of agreed mediation) the employee must be given the opportunity to be accompanied by either a work colleague or a trade union representative / official employed by a trade union.

There is no right to be accompanied or represented by a Solicitor or other legal representative at any stage of the internal Grievance procedure and the Council does not consider that such representation is appropriate under internal Council procedures.

3.7. The employee raising the grievance has the ability to determine, within limits, the role that he or she wishes the individual accompanying them to play at the hearing; this can include:

- Address the hearing on behalf of the employee i.e. put forward the employee case.

- Confer with the employee during the hearing.
- Sum up the employee's case.
- Respond on the employee's behalf of any views expressed at the hearing.
- Take notes on behalf of the employee.
- Attend as a means of moral support to the employee.

3.8. The chair of the hearing / manager is however entitled to expect the employee, and not the individual accompanying them, to answer questions asked.

3.9. At all stages of this procedure, the employee must be given the opportunity to state their grievance.

3.10. All arrangements will be made and correspondence, including papers sent to the employee raising the grievance directly, it is the responsibility of the employee to ensure that the arrangements, correspondence and papers are communicated to either their work colleague or trade union representative where appropriate.

3.11. The employee may choose, by indicating on the Notification of Formal Grievance (Appendix 1) or Notification of Grievance Appeal (Appendix 2) to have all arrangements, correspondence and papers in respect of their grievance made with and sent directly to their trade union representative rather than to themselves. In these circumstances it is then the responsibility of the trade union representative to ensure that the employee is appropriately advised and provided with copies of the correspondence and papers in respect of the progress of the grievance.

3.12. Where any grievance relates to an issue where the outcome might affect more than one individual or have wider consequences for the Council i.e. relating to Terms and Conditions of Service or Financial Regulations the grievance may be allocated to the appropriate Head of Service to progress, rather than the employees own Head of Service.

## **4. Procedure**

4.1. It is important that each case is dealt with by following this procedure in a fair, reasonable and consistent manner and within the agreed timescales.

4.2. Every effort should be made to resolve the grievance or a potential grievance using an informal approach i.e. discussion with the immediate line manager / head teacher or through an informal approach by a trade union representative. However, if informal methods do not succeed and the aggrieved employee remains dissatisfied with the outcome, the formal procedure should be utilised.

4.3. Where this is not possible to adhere to the timescales outlined within this Procedure, mutually convenient alternative arrangements should be put in place to enable the matter to be resolved as quickly as possible with this being confirmed in writing to the employee or their trade union representative.

4.4. The Council recognises that, especially when a grievance relates to another employee, there may be very sensitive issues raised. The aggrieved employee may seek support and help from colleagues in relation to the grievance. The Council assures that at all stages, information discussed will be held in the strictest of

confidence and the Council will consider any improper disclosure by anyone involved with the grievance procedure in accordance with the provisions of the Council's Disciplinary Policy and Procedure.

4.5. An aggrieved employee may, at any stage, withdraw from this Procedure by giving notice of their intention to do so. This must be done in writing and in such circumstances the employee will be deemed to have abandoned their grievance.

4.6. Where a grievance has already been raised but not resolved to the satisfaction of the employee, even at the completion of all stages of this Procedure, the employee cannot restart the Procedure in relation to the same matter.

4.7. All timescales are defined in calendar days to avoid confusion for employees who work part-time or part-week.

## **5. Informal stage**

5.1. Any employee who is aggrieved on any matter relating to their job or employment with the Council should in the first instance discuss this with their line manager / head teacher. Alternatively where the matters concern the line manager / head teacher, the issue should be referred, under the informal stage of the Procedure to the next level of management.

5.2. Every attempt should be made to resolve the matter through the informal discussions. An informal meeting should be arranged between the employee and the line manager / head teacher within 14 days of notification of the issue. The employee should be provided with the opportunity to be accompanied to this meeting by a work colleague or a trade union representative / official employed by a trade union.

5.3. Where it is not possible to hold the meeting within the 14 days timescale a mutually convenient alternative date for the meeting is arranged as soon as possible. Confirmation of the reason for the delay and alternative arrangements should be sent to the employee or their trade union representative in writing.

5.4. The line manager / head teacher should ensure that an informal note of the meeting is taken and should include the date and time of the meeting, issues raised and agreed actions / outcomes. This could be noted in the form of a diary entry. No formal minute of the meeting should be taken or used in later stages of the procedure.

5.5. Depending on the nature of the grievance as part of the informal stage, it may be appropriate for the matter to be dealt with by way of mediation by an independent third party. Mediation would only be used where all parties involved in the grievance agree. The manager / head teacher should contact Human Resources for advice where it is considered that mediation could be a possible way forward.

## **6. Formal stages**

### **6.1. Stage 1**

6.1.1. If, after attempting to resolve the grievance informally, the employee is dissatisfied with the response, or no response has been forthcoming within the 14 day period, the employee can initiate Stage 1 of the Formal Procedure.

6.1.2. The employee should raise the matter, in writing by submitting the Notification of Formal Grievance Form (Appendix 1) to their line manager / head teacher, clearly stating the details of the grievance including the exact nature of the grievance and the resolution that is being sought.

Where it is not appropriate to submit the Notification of Formal Grievance to the line manager / head teacher this should be submitted to the next level of management. This may be necessary when the line manager / head teacher is part of the employee's grievance or if the line manager does not have the authority to resolve the issues raised in the grievance. In these circumstances, submission of the Notification of Formal Grievance to the next level of management does not constitute an escalation of the Grievance to Stage 2 of the process.

6.1.3. The person to whom the Notification of Formal Grievance has been addressed will convene a formal grievance hearing, within 14 days from receipt of the grievance. Where it is not possible to hold the hearing within the 14 days timescale a mutually agreed alternative date should be made with the employee or their trade union representative. Confirmation of this should be sent to the employee or their trade union representative in writing.

6.1.4. The employee will normally be provided with at least seven days notice of the formal grievance hearing.

6.1.5. The employee is entitled to be accompanied to the hearing by either a work colleague or a trade union representative / official employed by a trade union.

6.1.6. The employee is entitled to submit and refer to relevant documentation in support of their grievance. Such documentation should be submitted along with the Notification of Formal Grievance. When this is genuinely not possible any documentation to be referred to in support of the grievance must be submitted to the Chair of the grievance no later than two days in advance of the hearing.

6.1.7. Witnesses can be called by either the employee or management representative. The names of witnesses to be called to a hearing should be notified either in the Notification of Formal Grievance or to the Chair of the hearing no later than two days prior to the hearing.

6.1.8. The Chair of the hearing should arrange for a note of the hearing to be taken for their information. This note is not a formal minute of the hearing and is therefore not subject to agreement by the employee or their representative. The note of the meeting should be shared with the employee or their trade union representative upon request.

6.1.9. The outcome of the hearing will be confirmed in writing to the employee or their trade union representative within seven days of the conclusion of the hearing, or within another agreed timescale where necessary and agreed between all parties.

## **6.2. Stage 2**

6.2.1. Where the employee is dissatisfied with the decision at Stage 1, they are able to have the matter heard by an appropriate Head of Service within the Authority.

6.2.2. Where a Head of Service heard the grievance at Stage 1, the Stage 2 grievance would be heard by the Executive Director or their nominee.

6.2.3. The employee should submit in writing using the Notification of Grievance Appeal form (Appendix 2) within 14 days of receipt of the written outcome of the Stage 1 hearing.

The Notification of Grievance Appeal must clearly state why the employee remains dissatisfied with the outcome of the Stage 1 Grievance Hearing, this will normally, but not exclusively be limited to the following:

- Failure to follow appropriate procedures in the previous stage of the grievance process.
- The decision reached at the previous stage of the grievance was not supported by the evidence presented.
- The proposed action to resolve the grievance is inappropriate given the circumstances.
- New information has come to light since the original grievance which has a significant impact on the decision reached.

6.2.4. Where the grounds of appeal do not fall within those identified above, the employee should note the specific grounds for appeal under 'Other' on the Notification of Grievance Appeal form.

6.2.5. The Notification of Grievance Appeal should be submitted to their Head of Service. For teachers, the Head of Schools is considered to be the nominee for the Executive Director of Education, Leisure and Housing for all grievance matters.

6.2.6. The Head of Service, or Executive Director, on receipt of the Notification of Grievance Appeal form will convene a formal grievance hearing within 14 days

Where it is not possible to hold the hearing within the 14 days timescale the employee or their trade union representative, should be advised of the delay, the reason for this and a mutually convenient date for the meeting agreed. Confirmation of this should be sent to the employee or their trade union representative in writing.

6.2.7. The employee will normally be provided with at least seven days notice of the formal grievance hearing.

6.2.8. A grievance beyond Stage 1 should not be considered as a re-run of the original grievance and no new grievances should be raised. Any information or documentation being submitted beyond Stage 1 should only be considered where it has either genuinely come to light since the original grievance hearing or where it is

considered by either the employee or management representative that it has a significant impact on the decision reached at the previous stage in the process.

Where such information or documentation is to be submitted; this must be submitted to the Chair of the hearing as soon as possible and no later than two days in advance of the hearing.

6.2.9. The employee is entitled to be accompanied to the hearing by either a work colleague or a trade union representative / official employed by a trade union.

6.2.10. It would not be normal practice for witnesses to be called to attend a hearing beyond Stage 1 of the process. Attendance of witnesses beyond Stage 1 should only be where the information that they have to provide is considered by either the employee or management representative as having a significant impact on the decision reached at the previous stage in the process. It would not be considered necessary to call witnesses beyond Stage 1 simply to cover information already presented at a previous stage in the process.

6.2.11. The Chair of the hearing should arrange for a note of the hearing to be taken for their information. This note is not a formal minute of the hearing and is therefore not subject to agreement by the employee or their representative. The note of the meeting should be shared with the employee / their trade union representative for information upon request.

6.2.12. The outcome of the hearing will be confirmed in writing to the employee or their trade union representative, within seven days of the conclusion of the hearing, or within another agreed timescale where necessary and agreed between all parties.

### **6.3. Stage 3**

6.3.1. If the grievance is not satisfactorily resolved at Stage 2 the matter may be referred to the Human Resources Sub Committee of the Council.

6.3.2. A referral to the Human Resources Sub Committee must be submitted in writing to the Head of Human Resources and Performance using the Notification of Grievance Appeal form (Appendix 2) within 14 days of receipt of the written outcome of the Stage 2 hearing.

6.3.3. On receipt of the Notification of Grievance Appeal the Head of Human Resources and Performance or their nominee shall make arrangements for the grievance to be heard by the Human Resources Sub Committee.

6.3.4. A meeting of the Human Resources Sub Committee will normally be held within 28 days of the appeal being received, unless otherwise mutually agreed.

6.3.5. The decision from the Human Resources Sub Committee will be communicated in writing to the employee or their trade union representative within seven days of the meeting.

## **6.4. Stage 4**

6.4.1. The internal grievance procedure shall be exhausted after Stage 3 and the decision of the Human Resources Sub Committee shall be final and binding on all parties involved, with the following exceptions:

### Scottish Negotiation Committee for Teachers (SNCT) Employees

Where the grievance is in respect of the interpretation or implementation of a national agreement of the SNCT and the employee remains dissatisfied with the decision of the Human Resources Sub Committee they can refer the matter to the Joint Secretaries of the Scottish Negotiating Committee for consideration in accordance with the provision of Part 2: Appendix 2.14 SNCT Appeals Procedures.

### SJC / Single Status Employees including Heads of Service

Where it is agreed by all parties the case shall be referred to the Scottish Joint Council. Disputes shall, with the agreement of both the trade union(s) involved and the authority, be referred to the Scottish Council.

### Chief Executive / Executive Directors

Where it is agreed by all parties the case shall be referred to the Joint Negotiating Committee for Chief Officers of Local Authorities (Scotland). Disputes shall, with the agreement of both the trade union(s) involved and the authority, be referred to the Joint Negotiating Committee for Chief Officers of Local Authorities (Scotland).

## **7. Grievance not concluded at the time of employment ending**

7.1. Where a grievance has been raised by an employee under the formal stages of the process, but these stages have not been concluded by the time their employment with the Council ends, their Grievance should be dealt with in accordance with the formal stages of this Policy and Procedure.

## **8. Grievance procedure – former employees**

8.1. The Grievance Policy and Procedure will normally only be available to current employees of the Council. Where a former employee gives formal notification of a grievance within three months of leaving employment of the Council; their Grievance should be dealt with in accordance with the formal stages of this Policy and Procedure.

8.2. Where a former employee gives formal notification of a grievance out with three months of their employment ending with the Council the issues raised will be considered and dealt with in accordance with the Council Complaints procedures, rather than under the Grievance Policy and Procedure.

## **9. Grievance procedure – Executive Directors**

9.1. If a grievance is raised by an Executive Director the matter should be referred, in the first instance to the Head of Human Resources and Performance who will make

the appropriate arrangements. If this course of action is not appropriate, the matter should be referred to the Executive Director of Corporate Services

9.2. If a grievance is submitted by an Executive Director against a decision or actions of the Chief Executive, written notification should be submitted to the Head of Human Resources and Performance, who in conjunction with the Executive Director of Corporate Services, will make appropriate arrangements to deal with the complaint.

9.3. Thereafter, if the Executive Director is still dissatisfied, Stage 3 of the Grievance Policy and Procedure will apply.

9.4. Where it is agreed by the Human Resources Sub Committee, the employee and their trade union, the case shall be referred to the Scottish Joint Council.

## **10. Grievance procedure - Chief Executive**

10.1. Should the Chief Executive wish to raise a grievance, written notification will be submitted to the Executive Director of Corporate Services who will consult with the Convenor of the Council. Thereafter arrangements will be made for the grievance to be appropriately addressed by mutually agreed arrangements with the Convenor of the Council. This may be for example a Chief Executive from another Council.

10.2. Thereafter, if the Chief Executive is still dissatisfied, Stage 3 of Grievance Policy and Procedure will apply.

10.3. Where it is agreed by all parties the case can be referred to the Joint Negotiating Committee for Chief Officers of Local Authorities (Scotland).

## **11. Conduct of a grievance hearing**

11.1. The format of a grievance hearing is outlined below.

11.2. At the outset of the hearing the Chair should confirm to all parties present the stage at which the hearing is being held and that the hearing is being held under the Council's Grievance Policy and Procedure.

11.3. The employee or their trade union representative presents evidence in support of their grievance. The employee can request that witnesses attend, and submit information / documentation for consideration by the Chair. Information and documentation to be considered in support of a grievance should normally be submitted with the Notification of Formal Grievance.

11.4. Where witnesses are to be called, this should be advised prior to the hearing in the Notification of Formal Grievance. It is the responsibility of the Chair of the hearing to make arrangements for witnesses to attend.

11.5. Where the employee has exhausted Stage 1 of the formal procedure and is now presenting their grievance at Stage 2, they should focus on the reasons why they remain dissatisfied with the outcome of Stage 1, it should not be seen as a rerun of the Stage 1 grievance.

No new grievances may be raised at this stage, and new information or documentation should only be submitted where it has either genuinely come to light since the original grievance hearing or where it is considered by either the employee or management representative that it has a significant impact on the decision reached at the previous stage in the process.

All information / documentation must be submitted to the Chair a minimum of two days in advance of the hearing.

11.6. Witnesses are called for the aggrieved party; they may be required to answer questions from the employee or their trade union representative, the respondent, the Chair and the adviser to the Chair.

11.7. The respondent states their case and responds to the allegations and or questions from the employee or their trade union representative. They can also call witnesses and submit information / documentation for consideration should they wish.

11.8. Witnesses are called for the respondent; they may be required to answer questions from the employee or their trade union representative, the management representative, the Chair and the adviser to the Chair.

11.9. The respondent should be asked to sum up their case; no new information should be introduced during summing up which has not been referred to previously in the hearing or within the written submissions.

11.10. The employee or their trade union representative should be asked to sum up their grievance; no new information should be introduced during summing up.

11.11. Having heard both sides but before reaching a decision or proposing a solution / way forward, the Chair should seek clarification on any points raised and summarise their understanding of the grievance and submission by management and the employee / their trade union representative.

11.12. The Chair should adjourn the hearing, with all parties asked to leave the room to consider their decision with advice from their adviser.

11.13. Where possible a decision / outcome should be reached on the day of the hearing and communicated verbally to all parties. The decision of the Chair must always be conveyed in writing to both parties in accordance with the agreed timescales, normally within seven days of the hearing, advising of the next stage in the process open to the employee should they remain dissatisfied.

11.14. Should the employee raising the grievance fail to attend the grievance hearing or make contact in advance to re-arrange the hearing to an alternative date where the proposed date is unsuitable, the Chair of the hearing, taking advice from their adviser, can decide to progress the hearing in the absence of the employee.

11.15. Where a request to re-arrange a hearing is received the hearing would normally be re-arranged to a date within seven days of the original hearing and only one re-arrangement would be permitted. After this the Chair of the hearing, taking

advice from their adviser, can decide to progress the hearing in the absence of the employee.

11.16. Where an employee raising a grievance is off sick through medically certified sickness absence, advice may be sought from the Council's Occupational Health Adviser as to whether the employee is fit to participate in the grievance process.

11.17. Where the Occupational Health advice is that the employee is not fit, the grievance hearing would not normally progress until such time as they were fit to participate. In these circumstances the timescales detailed in this Policy and Procedure would no longer be considered to be appropriate and failure to progress the grievance in accordance with the timescales could not be raised as a procedural failure on the part of the Council at a subsequent stage in the process.

11.18. Where the advice is that the employee is fit to participate, the process would normally continue and should the employee choose not to participate / attend, or enable a trade union representative to act on their behalf the process would continue in the employee's absence.

## **12. Formal disputes**

### **12.1. All employees except teachers**

12.1.1. In the event of a formal dispute being declared by either the Council or the trade union(s) involved, the provisions of the relevant national or local agreements shall be applied.

12.1.2. No trade union involved in a dispute will cause or take part in, or authorise its members to take part in, any form of industrial action against the Council unless and until this Procedure has been followed and exhausted. Although agreement need not necessarily have been reached; and similarly no action will be taken by the Council against the employee or trade union concerned.

12.1.3. Both parties to any dispute should, wherever possible, reach agreement on interim arrangements to allow work to continue while the Grievance Procedure is being followed. However, where this is not possible the status quo provisions should be used. 'Status quo' should be restricted to grievances that relate to situations where changes to terms and conditions are being contemplated. Where practicable, it may also apply to changes to working practices or organisational structures.

In the event of a formal grievance being lodged in response to proposed changes as outlined above, the existing relevant terms and conditions of employment will be maintained until all relevant stages of the Grievance Procedure have been exhausted. However, it should be noted that there may be circumstances where the decision is within the framework of an existing agreement or established practice (e.g. an office move). In this situation there shall be no obligation on management to postpone the implementation of the decision until agreement has been reached or for the Grievance Procedure to have been exhausted.

## **12.2. Teachers**

12.2.1. In the event of a formal dispute being declared by either the Council or the trade union(s), the provisions of the Local Recognition and Procedure Agreement shall be applied.

12.2.2. In the event of a formal grievance being lodged in response to a proposed change of 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.

## **13. Role of Human Resources**

13.1. The Head of Human Resources and Performance shall be informed of any case that is likely to lead to formal dispute.

13.2. Human Resources shall be available to provide advice and guidance at any stage of the Grievance Policy and Procedure.

13.3. A representative from Human Resources shall act as the adviser to the Chair at all formal stages within the Grievance Procedure. This does not preclude a representative from Human Resources advising at the informal stage of the Grievance Procedure where it is considered appropriate.



**Resolution sought** (give detail of the outcome that you are seeking).

Please continue on a separate sheet if required.

**Name of individual who will accompany me to grievance hearing** (work colleague or trade union representative or official only).

Name:

Contact Address:

Contact Telephone Number:

Status.

Work colleague / trade union rep or official (delete as appropriate).

I would like all arrangements made with and correspondence & papers sent to my trade union representative rather than to me.

Yes / No.

(If this question is not answered arrangements and correspondence will be made with the employee).

**Witnesses.**

You can, should you wish, ask for witnesses to attend the grievance hearing. The Chair of the hearing is responsible for making arrangements to ask witnesses to attend, please detail below the names of witnesses that you would wish to attend, or indicate that you do not intend to call witnesses.

I intend to call witnesses as part of my grievance.	Yes / No.
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I will submit details of witnesses to the Chair in advance of the hearing.	Yes / No.
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Names of witnesses to be called.

**Documentation in support of grievance.**

You can, should you wish, submit information or documentation for consideration as part of your grievance. Please indicate below if you intend to do so.

Should you intend to submit documentation and you are not including it with the Notification of Formal Grievance, this must be submitted to the Chair of the hearing no later than two days before the hearing.

I intend to submit additional documentation as part of my grievance.	Yes / No.
--	-----------

I enclose this documentation with this form.	Yes / No.
--	-----------

I will submit this to the Chair in advance of the hearing.	Yes / No.
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**Employee declaration.**

I confirm that the information provided as part of this grievance is accurate and truthful. I am aware that raising malicious grievances is a matter that could lead to action being taken against me under the Council Disciplinary Policy.

Signature:	Date:
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**You should submit your Notification of Formal Grievance to your Line Manager / Head Teacher. Where this is not appropriate as outlined in the Grievance Policy and Procedure you should submit the form to the next level of management.**



## Appendix 2: Notification of grievance appeal (Stages 2 or 3)

<b>Employee details.</b>		
Name:		
Job Title:		
Line Manager:		
Contact Address:		
Contact Telephone Number:		
<b>Grievance stage.</b>		
I am giving notice that I wish to raise my grievance appeal under the following stage of the Council Grievance Policy and Procedure.		
Stage 2 – Head of Service.	<input type="checkbox"/>	
Stage 3 – Human Resources Sub Committee.	<input type="checkbox"/>	
<b>Name of individual who will accompany me to grievance hearing (Work colleague or trade union representative / official only).</b>		
Name:		
Contact Address:		
Contact Telephone Number:		
Status.	Work colleague / trade union rep or official (delete as appropriate).	
I would like all arrangements made with and correspondence & papers sent to my trade union representative rather than to me.	Yes / No.	
(If this question is not answered arrangements and correspondence will be made with the employee).		

**Summary of grievance process.**

Please summarise how your grievance has been progressed to date:

**Informal stage.**

Dealt with by:

Stage 1 - heard by:

Date:

Stage 2 - heard by:

Date:

**Grounds for grievance appeal.**

Failure to follow appropriate procedures in the previous stage of the grievance process.

The decision reached at the previous stage of the grievance was not supported by the evidence presented.

The proposed action to resolve the grievance is inappropriate given the circumstances.

New information has come to light since the original grievance which has a significant impact on the decision reached.

Other, please specify below.

**Detail of grievance appeal.**

Please state the specific reasons you remain dissatisfied in respect of the outcome of the previous stage/s of the grievance process.

Please continue on a separate sheet if required.

A grievance hearing beyond Stage 1 should not be considered a re-run of the original grievance; no new grievances should be introduced.

<b>Documentation in support of appeal.</b>	
New information or documentation should only be submitted where it has either genuinely come to light since the original grievance hearing or where it is considered that it has a significant impact on the decision reached at the previous stage in the process.	
Should you intend to submit documentation and you are not including it with the Notification of Grievance Appeal, this must be submitted to the Chair no later than two days before the hearing.	
I intend to submit additional documentation as part of my appeal.	Yes / No.
I enclose this documentation with this form.	Yes / No.
I will submit this to the Chair in advance of the hearing.	Yes / No.
<b>Witnesses.</b>	
Attendance of witnesses beyond Stage 1 should only be where the information that they have to provide is considered as having a significant impact on the decision reached at the previous stage in the process.	
It would not be considered necessary to call witnesses beyond Stage 1 simply to cover information already presented at a previous stage in the process.	
Please detail below the names of witnesses that you would wish to attend, or indicate that you do not intend to call witnesses.	
I intend to call witnesses as part of my appeal.	Yes / No.
I will submit details of witness to the Chair in advance of the hearing.	Yes / No.
Names of witnesses to be called.	
<b>Employee declaration.</b>	
I confirm that the information provided as part of this grievance submission is accurate and truthful. I am aware that raising malicious grievances is a matter that could lead to action being taken against me under the Council Disciplinary Policy.	
Signature:	Date:
<b>You should submit the Notification of Grievance Appeal, within 14 days of receiving the written outcome from the previous stage of the grievance process to (Stage 2) your Head of Service (for Teachers to the Head of Schools), or (Stage 3) to the Head of Human Resources and Performance.</b>	

## **Appendix 3: Grievance template letters**

### **Grievance template letter 1 – Informal stage meeting**

Dear {employee name}.

#### **Grievance – Informal stage.**

I am writing further to your recent discussion / receipt of your e-mail / correspondence outlining your concern in respect of {summary of matter(s) employee is unhappy with}.

In accordance with the Council Grievance Policy and Procedure I would like to arrange to meet with you to discuss the matters that you have raised to attempt to resolve these informally wherever possible. I would propose that we meet on {date} at {time} in {venue}.

I would remind you that should you wish; you can be accompanied to this meeting by either a work colleague or a trade union representative / official employed by a trade union. I would appreciate if you could confirm to me no later than two working days in advance of the meeting if you intend to be accompanied; by whom and in what capacity they are attending?

Should the above not be convenient please do not hesitate to get in contact with me so that more suitable arrangements can be put in place.

Yours sincerely.

{Manager / Head Teacher}.

cc Senior HR Adviser.

## **Grievance template letter 2 – Formal Stage 1 grievance hearing**

Dear {employee name}.

### **Grievance – Formal Stage 1 hearing.**

I am writing to acknowledge receipt of your Notification of Formal Grievance pro-forma on {date received}. In this you state that your formal grievance is in respect of {summary of grievance / s}.

In accordance with the Council Grievance Policy and Procedure I am writing to confirm arrangements for your grievance to be heard at Stage 1 of the formal process. The hearing will be held on {date} at {time} in {location}. I can confirm that I will chair the hearing and will be advised by {name} – Senior HR Adviser and that a member of the HR Support team will be present to take a note of the hearing for my information.

Should you wish; you can be accompanied to this meeting by either a work colleague or a trade union representative / official employed by a trade union. I would appreciate if you have not already done so, if you could confirm to me in advance of the meeting if you intend to be accompanied; by whom and in what capacity they are attending?

I would also remind you that you are able to submit documentation and / or call witness to the Stage 1 hearing in support of your grievance. Should you wish to do either, and have not already forwarded the documentation or advised of the names of any witnesses that you wish to attend you must provide these to me no later than {date}, two days in advance of the scheduled hearing.

Should the proposed date for the hearing not be suitable, please get in contact with me to arrange an alternative date. Any revised hearing date will normally be within seven days of the original date for the hearing.

Yours sincerely.

{Manager / Head Teacher}.

cc Senior HR Adviser.

### **Grievance template letter 3 – Formal Stage 1 grievance outcome**

Dear {employee name}.

#### **Grievance – Formal Stage 1 hearing outcome.**

I am writing further to Stage 1 Grievance hearing held on {date} regarding {summary of grievance / s}.

Having fully considered all of the information submitted and points raised by yourself, {your union representative} and {management representative / colleagues} I have been able to reach a decision.

In reaching my decision I considered that the following points were key:

{Summary of relevant and pertinent points from both cases to support decision}.

In conclusion, therefore, I find that your grievance is {upheld / upheld in part / not upheld}, {short explanation as to why this is the case}.

Where you are dissatisfied with the outcome of the Stage 1 Grievance, you have the right of appeal under Stage 2 of the Council Grievance Policy and Procedure where:

- There has been a failure to follow appropriate procedures in the Stage 1 grievance process.
- The decision reached at the Stage 1 grievance was not supported by the evidence presented.
- The proposed action to resolve the grievance is inappropriate given the circumstances.
- New information has come to light since the Stage 1 grievance which has a significant impact on the decision reached.

Should you wish to submit an appeal you should complete and return a Notification of Grievance Appeal form (enclosed) within 14 calendar days of receipt of this letter, clearly indicating the grounds of appeal. This should be submitted to the {Head of Service}.

Yours sincerely.

{Manager / Head Teacher}.

cc Senior HR Adviser.

## **Grievance template letter 4 – Formal Stage 2 grievance hearing**

Dear {employee name}.

### **Grievance – Formal Stage 2 hearing.**

I am writing to acknowledge receipt of your Notification of Grievance Appeal pro forma on {date received} in respect of the outcome from the Stage 1 Grievance chaired by {Chair of Stage 1 Grievance} and {date of Stage 1 Grievance Hearing}.

In accordance with the Council Grievance Policy and Procedure I am writing to confirm the arrangements for your grievance to be heard at Stage 2 of the formal process. The hearing will be held on {date} at {time} in {location}. I can confirm that I will chair the hearing and that {Chair of Stage 1 grievance} will also be in attendance. I will be advised by {name} – Senior HR Adviser and that a member of the HR Support team will be present to take a note of the hearing for my information.

Should you wish; you can be accompanied to this meeting by either a work colleague or a trade union representative / official employed by a trade union. I would appreciate if you have not already done so, if you could confirm to me in advance of the meeting if you intend to be accompanied; by whom and in what capacity they are attending?

I would remind you that a Stage 2 grievance should not be considered as a re-run of the original grievance and no new grievances should be raised, you should focus on the specific grounds of appeal that you have identified.

I confirm that all original documentation that was submitted for the Stage 1 grievance has been provided to me for information. Should you wish you can request witnesses to attend, however this should only be where the information that they have to provide is considered as having a significant impact on the decision reached at the previous stage in the process. It would not be considered necessary to call witnesses simply to cover information already presented at Stage 1 of the procedure.

You can also submit new information / documentation where it has either genuinely come to light since the original grievance hearing or where you consider that it has a significant impact on the decision reached at the previous stage in the process.

Where it is your intention to call witnesses or refer to new information / documentation and you have not already done so you should forward this to me no later than two days before the Stage 2 hearing.

Should the proposed date for the hearing not be suitable, please get in contact with me to arrange an alternative date. Any revised hearing date will normally be within seven days of the original date for the hearing.

Yours faithfully.

{Head of Service}.

cc Senior HR Adviser.

## **Grievance template letter 5 – Formal Stage 2 grievance outcome**

Dear {employee name}.

### **Grievance – Formal Stage 2 hearing outcome.**

I am writing further to Stage 2 Grievance meeting held on {date} regarding {summary of grievance / s}.

Having reviewed all of the information from the Stage 1 grievance and had the opportunity to fully consider all of the points raised by yourself, {your union representative} and {management representative / colleagues} I have been able to reach a decision.

In reaching my decision I considered that the following points were key:

{Summary of relevant and pertinent points from both cases to support decision}.

In conclusion, therefore, I find that your grievance is {upheld / upheld in part / not upheld}, {short explanation as to why this is the case}.

Where you consider that this matter has not been satisfactorily resolved following the Stage 2 Grievance, you have the right of appeal to the Personnel Sub Committee of the Council under Stage 3 of the Council's Grievance Policy and Procedure where:

- There has been a failure to follow appropriate procedures in the Stage 2 grievance process.
- The decision reached at the Stage 2 grievance was not supported by the evidence presented.
- The proposed action to resolve the grievance is inappropriate given the circumstances.
- New information has come to light since the Stage 2 grievance which has a significant impact on the decision reached.

Should you wish to submit an appeal you should complete and return a Notification of Grievance Appeal Form (enclosed) within 14 calendar days of receipt of this letter, clearly indicating the grounds of appeal. This should be submitted to the Head of Human Resources and Performance.

Yours sincerely.

{Head of Service}.

cc Senior HR Adviser.