

Human Resources
Goireasan Daonna

Grievance & Resolution Policy

Poileasaidh Chùisean-gearain & Rèiteachaidh

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Document Control

A: Version History

Version	Date	Author	Change
1.2			
1.1	20/10/23	Isabel McLellan	Updated Nominated B&H Senior Officers
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B: Document Approval

Name	Title	
Elaine Barrie	Head of HR	Final Approval
Louise McGunnigle	HR Manager	Final Reviewer
HR Sub Group	TU Representative	Reviewer
		Author

Introduction

Every employee has a right to raise concerns with their manager relating to their employment. If it has not been possible to resolve the concern through informal means, a more formal process may be required.

Grievance procedure provides a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed more formally. These problems should be dealt with speedily and fairly before they can develop into major problems or potentially, collective disputes.

Policy Purpose

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

This policy and procedure will apply to all employees, except staff on Agenda for Change T&Cs who should refer to [NHS PIN policies](#), Teaching staff who should refer to [LNCT4 Disciplinary and Grievance Procedures](#), the Chief Executive and Chief Officers. Chief Officials are employed under the [Scottish Joint Council for Chief Officials of Local Authorities \(Scotland\)](#) terms and conditions.

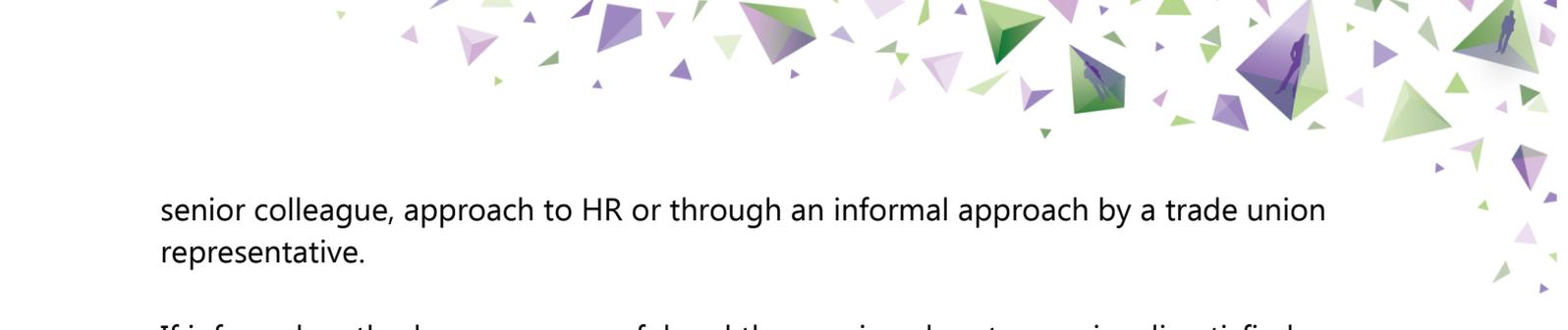
This procedure will also apply to former employees where the grievance is raised within 4 months of cessation of employment. Where a concern is raised out with this timescale, it should be referred to the Head of People.

Policy in Practice

Policy Principles

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

Every effort should be made to resolve a concern or potential grievance using informal mechanisms e.g. discussion with the immediate supervisor, discussion with a



senior colleague, approach to HR or through an informal approach by a trade union representative.

If informal methods are unsuccessful and the aggrieved party remains dissatisfied with the outcome or response, the formal procedure should be used, starting with a conciliation meeting.

Conciliation Meeting

An informal conciliation meeting should take place between the aggrieved employee, an appropriate line manager and a representative from HR to discuss the contents of the grievance, potential solutions and next steps. This step may resolve the matter without further need to proceed with the formal process.

The purpose of this policy is to deal with grievances quickly, fairly and within the suggested time limits. There should be a genuine willingness to resolve matters.

It may be appropriate for formal mediation to take place to resolve a grievance. Advice should be sought from HR regarding the most appropriate early intervention.

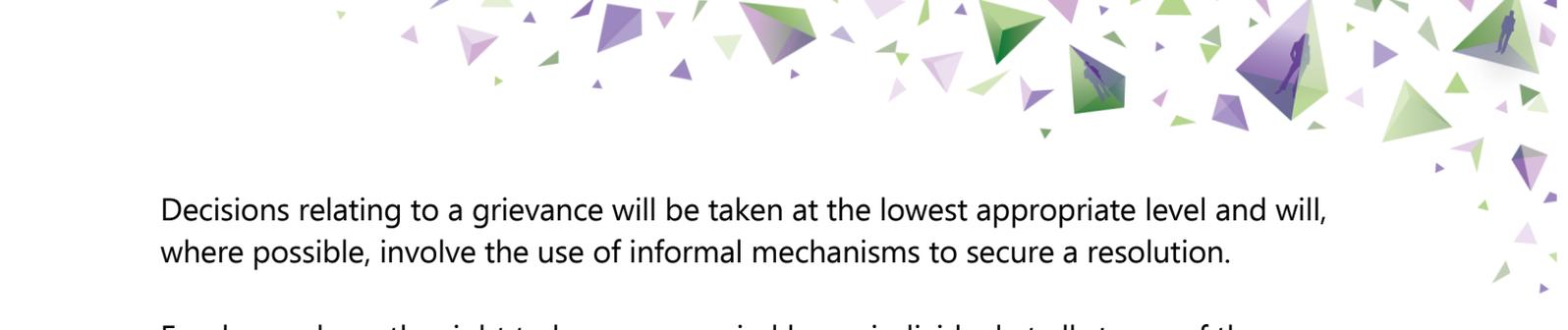
Types of Grievances

It is neither possible nor desirable to precisely specify all the issues which may give rise to a grievance, but the main areas would include:

- terms and conditions
- health, safety & wellbeing
- relationships at work
- new working practices
- organisational change
- equal opportunity matters

The following issues are not covered by the grievance procedure:

- disciplinary matters
- issues not related to employment
- taxation, national insurance, and pension matters
- collective disputes (generally defined under the Trade Unions and Labour Relations (Consolidation) Act.



Decisions relating to a grievance will be taken at the lowest appropriate level and will, where possible, involve the use of informal mechanisms to secure a resolution.

Employees have the right to be accompanied by an individual at all stages of the grievance process.

Procedure

When an employee raises a concern the immediate manager, supervisor or other senior manager must respond as quickly as possible to an informal approach, not necessarily in writing.

If the aggrieved party is dissatisfied with the response or if no response has been forthcoming within a reasonable period, the employee may initiate the first stage of the formal grievance procedure. Where a formal grievance is received, the procedure set out at [Appendix 1](#) will be followed.

The employee must be given every opportunity to present evidence in support of their grievance and the employee and/or representative can call witnesses, submit additional written information and/or use verbal presentation. In addition, the nominated officer must justify a decision which is subject to appeal.

Status Quo Ante

In the event of a formal grievance being lodged in response to a proposed change to terms and conditions of employment or organisational structures, no change shall be implemented until the agreed grievance procedures have been exhausted, where practicable.

Withdrawal

The aggrieved employee may at any stage withdraw from these procedures with notification in writing. In these circumstances the employee will be deemed to have withdrawn the grievance.

Collective Grievances

Two or more employees who share a common grievance arising from the same circumstances shall be entitled to pursue their grievance jointly by means of the procedures outlined.

Confidentiality

The Council will treat records arising from the grievance process as confidential. Copies of such records will be made available to the employee concerned and to their representative and to officers involved in the grievance and appeals process. Grievances that are raised against employees will be shared with those employees to enable them the opportunity to fully respond.

Stages and Time Limits

Details of the grievance stages, appeal process and suggested time limits are set out in [Appendix 2](#).

Equality & Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Guidance

Guidance, information and tools relating to the management of grievance matters will be developed and maintained in partnership through the Highland Council Partnership Framework. In relation to grievance management this guidance will:

- Guide managers on the informal resolution of grievances including the
- informal conciliation meeting
- Provide advice on hearing a grievance
- Explain how to conduct a grievance hearing
- Guide managers on the appropriate use of mediation
- Advise on decision making and communication with employees.

Legislation

The development and application of this policy is guided by:

- Employment Rights Act 1996
- Employment Relations Act 1999

- Employment Act 2008
- ACAS code of practice on disciplinary and grievance procedures

Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Managers Guide to Grievance	Click Here
Appendix 1: Formal Grievance Procedure	Click Here
Appendix 2: Grievance Stages, Appeals & Time Limits	Click Here
Appendix 3: Grievance Submission Form	Click Here
Appendix 4: Grievance Appeal Submission Form	Click Here
ACAS	Click Here
Bullying & Harassment Contacts	Click Here
Grievance Hearing Checklist	Click Here



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