



# GRIEVANCE HANDBOOK

|                                    |                                |
|------------------------------------|--------------------------------|
| <b>Title</b>                       | Grievance Handbook             |
| <b>Who should use this</b>         | All Staff                      |
| <b>Author</b>                      | SAC                            |
| <b>Approved by Management Team</b> | 5 October 2016                 |
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| <b>Reviewer</b>                    | <b>PA &amp; Office Manager</b> |
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## Review History

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## **1. INTRODUCTION**

- 1.1 This Handbook provides practical advice and guidance for managers and employees on grievance matters and is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures. It is intended to assist at all stages of the grievance process from the preparation stage through to communicating the response to the employee.
- 1.2 When using this handbook, reference should also be made to the Grievance Policy particularly section 3.3 which defines a grievance and 3.4 which details issues that will not be considered under the grievance procedure.
- 1.3 Following the introduction of the Board's Equality at Work Policy any matter relating to discriminatory, harassing, victimising or bullying behaviour should be addressed, both informally and formally, via the Grievance Policy. The Equality at Work Policy must be referred to in conjunction with this policy where equality related matters are being addressed.
- 1.4 Before participating at any stage of the Board's Grievance Procedures, supervisors / managers must have attended appropriate training on Discipline and Grievance. Further information on this is available from the Board's Personnel Representatives.
- 1.5 The Board has separate procedures to enable an employee to raise a formal complaint. Where the complaint is deemed to fall outwith the scope of the Board's Grievance procedure, the employee must be directed to the appropriate Board procedure:
- The Board's Complaints Procedure where the complaint is about an employee of an external agency or contractor;
  - The Board's Policy for Reporting Concerns at Work (Whistleblowing) where the complaint is of a whistle blowing nature;
  - The Board's Recruitment and Selection Policy and Handbook where the complaint is about the recruitment process.
- 1.6 While it is important to deal with grievance issues fairly and effectively, the Board recognises that it is better to prevent problems arising in the first instance and will make every effort to do this through effective recruitment, induction, employee development, engagement and communication. Furthermore, through positive employee relations and partnership working with the trade unions, the Board will proactively address issues which give rise to grievances being raised.
- 1.7 Advice and assistance should be sought from South Ayrshire Council Human Resources on any aspect of handling grievances.

## **2. OVERVIEW**

- 2.1 The ACAS Code of Practice provides basic practical guidance and sets out the principles for handling grievance situations in the workplace as summarised below:
- Employees should aim in the first instance to settle grievances informally with their line manager. Only, where this has not been possible, should the employee consider raising a formal grievance. This should be done in writing, without unreasonable delay and should set out the nature of the grievance.

- After a grievance is received, a meeting should be held without unreasonable delay to allow the employee to explain their grievance and how they think it should be resolved. Employees can be accompanied at any formal grievance meeting. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- Following the meeting, the decision should be confirmed in writing to the employee and where appropriate should set out what action will be taken to resolve the grievance. The employee should be informed they can appeal if they are not content with the action taken.
- Appeals should be dealt with impartially by a manager or nominated officer who has not previously been involved in the case. The outcome of any appeal hearing should be confirmed in writing to the employee.

### **3. EFFECTIVE HANDLING OF GRIEVANCE MATTERS**

#### **3.1 LETTING MANAGEMENT KNOW THE NATURE OF THE GRIEVANCE**

- 3.1.1 It is important that line managers understand the importance of the informal stage of the grievance process (as outlined at 3.2.1 below) particularly where an employee appears to have a long standing complaint that they feel has never been satisfactorily resolved or where it is an Equalities at Work issue. Where the complaint relates to equalities at work then the Equality at Work policy must be referred to.
- 3.1.2 Where an employee simply “has a word” with the line manager, the line manager should still act fairly and reasonably in listening to the complaint, discussing how best to resolve it informally, investigating where necessary and making a decision which is appropriate. If it is clear to the manager that they can’t resolve the complaint at an informal level, the appropriate course of action is to encourage the employee to raise a formal grievance (as outlined at 3.2.2 below) for consideration at a higher level, this then allows for the issue to be fully explored and an appropriate resolution sought, thereby bringing the matter to a close.
- 3.1.3 Where an employee has attempted to raise a grievance informally without success the employee should raise it formally and in writing with management.
- 3.1.4 If the grievance concerns the employee’s line manager, the employee may approach another manager to raise the issue if he/she feels comfortable in doing so. In such cases, advice should be sought from the Board’s Personnel Representatives.

#### **3.2 SUMMARY OF THE INFORMAL AND FORMAL PROCEDURE**

##### **3.2.1 THE INFORMAL PROCEDURE**

- When an employee has a concern or a complaint they must raise this informally with their line manager in the first instance. If that is unsuitable they can raise with the Board’s Personnel Representatives or their Trade Union representative.
- The employee should clearly outline the issue and what he/she feels would be a possible resolution.
- On receiving a complaint every effort should be made to resolve the situation *informally and as timeously as possible*. Resolution at the earliest stage is encouraged at all times.

- The discussion should take place in private. The employee, if they wish, may have a work colleague or trade union colleague present when raising or discussing the matter.
- If no resolution is reached, despite all efforts to resolve informally the employee may:
  - a) Go back to their line manager and reiterate the previous discussions and any previously agreed outcomes to try and reach a resolution; or
  - b) Utilise the formal procedure as specified below at 3.2.2.

**Further guidance on the informal procedure for issues related to Equalities at Work can be found at Section 8.**

### 3.2.2 THE FORMAL PROCEDURE

The formal procedure consists of four Stages:

Stage 1: Appeal to Line Manager or Supervisor

Stage 2: Formal appeal to Assessor or Nominated Senior Officer

Stage 2(a): Mediation

Stage 3: Formal appeal to a sub-committee of the Ayrshire Valuation Joint Board

The Grievance Form should be completed at each Stage of the formal procedure and should show clearly what facts have been established and the issues that are in dispute; it should also identify which arguments have been accepted at earlier stages of the process and which have not. This will allow areas still at issue to be highlighted at further stages of the process. A flow chart summarising the process can be found at Appendix A, and it should be noted that a stage in the process may be omitted by mutual agreement, where for example, the matter requires reference to a higher level of authority for consideration. Standard letters are contained in Appendix E.

### 3.2.3 STAGE 1: APPEAL TO LINE MANAGER

Where an employee or group of employees are aggrieved they must:

- Raise the matter in writing by outlining the reasons for the grievance and the remedy sought, using the Grievance Form (Appendix B) and submit this either personally or through an appropriate trade union representative, to their immediate line manager. If the complaint involves the employee's line manager, the employee may approach another manager to raise the issue if they feel comfortable doing so.
- A hearing should be convened within 7 days at which the employee is entitled to be accompanied by a trade union representative or work colleague.
- The hearing should be at a reasonable time and location and the employee has a duty to attend.
- Following this hearing, the employee should be advised of the outcome normally within 7 days of the date of the hearing and their right to appeal to the Assessor or nominated senior officer.
- The employee must submit their notification of appeal within 14 days of receiving written confirmation of the outcome at Stage 1.

### 3.2.4 **STAGE 2: APPEAL TO ASSESSOR OR NOMINATED SENIOR OFFICIAL**

Where the employee(s) remain dissatisfied with the outcome of Stage 1:

- Stage 2 of this procedure will be initiated if a grievance notification of appeal has been submitted to the Assessor or nominated senior officer within 14 days of receipt of notification of outcome of the Stage 1 appeal. The grievance will be discussed at a formal hearing which should be convened within 7 days.
- A written report may be compiled to accompany the Grievance Form, showing clearly what facts have been established and the issues that are in dispute; it will also identify which arguments have been accepted at earlier stages of the process and which have not. This will allow areas still at issue to be highlighted at further stages of the process (refer to Appendix C for template report).
- A representative from SAC HR may also be available, for clarification, information or interpretation of issues arising and may, at the request of either party, furnish a written answer to any appropriate point raised. This will be passed to both parties and may be incorporated into the written record as outlined above if relevant to the grievance or dispute and at the request of either side at the conclusion of the Stage 2 hearing. The written record outlining the decision of the Assessor or nominated senior officer should be communicated to both parties normally within 7 days from the date of the hearing.

### 3.2.5 **STAGE 2(a): MEDIATION**

Where an employee remains dissatisfied with the outcome of Stage 2:

- A written appeal may be submitted to the Board's Personnel Representatives within 14 days of notification of the decision at Stage 2, prior to a formal appeal to the Board's Appeals Sub-Committee.
- The Board's Personnel Representatives will arrange a meeting between the employee and management in an effort to resolve the dispute without the need to make a formal appeal to the Appeals Panel. A decision should be confirmed in writing to both parties within 7 days of the mediation meeting, and detail the right of appeal if the issue is not resolved to the employee's satisfaction.

Further guidance on Mediation can be found in Section 4.5.

### 3.2.6 **STAGE 3: FORMAL APPEAL TO THE APPEAL SUB-COMMITTEE**

Where the employee(s) remain dissatisfied following Medication at Stage 2a:

- Stage 3 of the procedure will be initiated if the employee wishes to refer the matter to the Appeals Sub-Committee.
- Any request for such a hearing should be submitted to the Assessor within 14 days from the date of the receipt of the outcome at Stage 2 (a).
- A meeting of the Appeals Sub-Committee should be called within 28 days of the request for a hearing being received.
- Procedures to be followed in respect of the Hearing are outlined in Appendix D. For all employees the grievance will end at this stage.

## **4. THE GRIEVANCE HEARING**

### **4.1 PREPARATION FOR THE GRIEVANCE HEARING**

4.1.1 Where a grievance has not been resolved informally and a formal grievance has been raised, the manager should arrange a formal grievance hearing. Managers, employees and their companions should make every effort to attend the grievance hearing.

4.1.2 Managers should consider issues such as:

- The meeting room – hold the hearing in private where there will not be interruptions; a break-out room should be made available to give the employee and their representative privacy for conferring.
- Timing – set aside reasonable time to carry out the hearing.
- HR representation – managers should consider whether the involvement of SAC HR is appropriate taking into account issues such as the complexity and wider implications of the grievance. If an SAC HR representative is not in attendance, the manager should consider whether or not another employee, not involved in the case, should be in attendance to take a note of the meeting and act as a witness to what is discussed.
- Precedent – look at whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This will help to promote consistency of treatment.
- Information – ensure all relevant facts / records / policies / procedures are available for the hearing.
- Reasonable adjustments – consider whether any reasonable adjustments are necessary for an employee and/or their companion who is disabled.

### **4.2 CONDUCTING THE GRIEVANCE HEARING**

Managers chairing grievance hearings should ensure that everyone is clear about their roles and the process that will follow. A grievance hearing is not the same as a disciplinary hearing. The intention should be to reach a resolution and all parties should remember that open, positive discussion and dialogue will often lead to an amicable solution.

Appropriate consideration, care and thought needs to be put into resolving grievances. They are not normally issues calling for quick decisions as they are often complex in nature.

Managers should ensure the grievance is chaired appropriately, sensitively and in a positive, calm, tactful, and objective manner. The employee should be invited to outline their grievance and how they would like to see it resolved. The manager should listen attentively, and be as fair to the employee as possible in considering the resolution of the problem. The meeting should be adjourned at any point, for example, if it is felt that it is necessary to investigate any new facts which may arise.

Allowances should be made for any reasonable “letting off steam” and if an employee appears to be showing signs of stress, it may be worthwhile taking the opportunity to consider support which is available through the South Ayrshire Council’s Occupational Health Service.

The hearing at Assessor or Nominated Senior Officer level should be conducted in line with the procedures set out in Appendix D. In summary this is as follows:

- The employee or employee's representative shall put forward their case in the presence of the manager hearing the grievance and call witnesses as necessary.
- The manager /management representative shall have the opportunity to ask questions of the employee/employee representative and any witnesses called by the employee.
- The manager/management representative will then put forward its case in the presence, of the employee/employee representative and call witnesses as necessary.
- The employee/employee's representative will have the opportunity to ask questions of the manager/management representative and any witnesses called by the manager.
- Each side should conclude with a brief summary of their case without introducing any new information.
- The manager hearing the grievance and chairing the meeting can at any time ask any questions of the employee/employee representatives, witnesses, manager/management representative.
- The manager hearing the grievance will then adjourn the meeting to reach a decision based on the information presented. The decision will be confirmed in writing to the employee. If the outcome affects more than just the employee who raised the grievance, consider appropriate communication channels to let other employees know the decision.

#### 4.3 **ALLOWING THE EMPLOYEE TO BE ACCOMPANIED AT THE GRIEVANCE HEARING**

Employees have a statutory right to be accompanied by a companion at the grievance hearing. The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

To exercise the right to be accompanied the employee must first make a reasonable request. What is reasonable will depend on the circumstances of each case. However, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the hearing, to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and 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 or prevent the manager from explaining their case.

#### 4.4 DECIDING ON APPROPRIATE ACTION/REACHING A SOLUTION

Following the meeting, the manager should decide on what action to take, this may include clarifying points with SAC Human Resources, considering any policies, terms and conditions and other matters associated with the grievance. The outcome of the grievance should be set out in writing and where the grievance has several parts to it, some parts may be upheld and not others. Where the grievance (or parts of it) is not upheld, the manager must make sure the reasons are carefully explained. It is important to remember that actions taken to resolve a grievance may have an impact on other employees who may also feel aggrieved.

If the grievance highlights issues concerning employment policies or procedures, SAC Human Resources must be advised and concerns addressed as soon as possible. Managers must also ensure any resolution put in place is monitored and reviewed as appropriate so that it deals effectively with the issues.

#### 4.5 MEDIATION

4.5.1 The aim of the Stage 2(a) Mediation is to attempt to mediate in the grievance to avoid the need to refer the matter for decision by the Appeals Sub-Committee at Stage 3. It is most effective when used in the early stages of a disagreement before the parties become too entrenched in their views. SAC HR will play a key role in this process of seeking to resolve the issue.

4.5.2 Finding a suitable venue for the mediation meeting to take place is fundamental to the process. A neutral location can help to protect confidentiality of the parties involved and removes parties from the environment that may be associated with the conflict. There should also be break out rooms to allow parties time out when things get heated as this can be a demanding process.

4.5.3 In order to resolve an issue requiring mediation, it will be necessary to interview the parties to establish the complaint and the facts and perceptions surrounding it. Open questions "*What, Where, Why, When, How and Who*" should be used to encourage the parties to tell the facts in their own words. Closed questions requiring a "yes" or "no" answer can be used to check facts and understanding as a summarising tool and to close the interview.

4.5.4 Where an employee involves their representative in mediation, it is important that during the process, the emphasis is on the parties finding their own resolution and not for the representative to shift the emphasis from joint problem solving to negotiating the best deal for their candidate to the detriment of the other.

4.5.5 The mediation meeting should have a number of stages as outlined below:

##### 1. FIRST CONTACT WITH THE PARTIES:

The HR representative should meet parties separately. This will allow each individual involved to explain their position and detail their desired outcome.

##### 2. JOINT MEETING:

The HR representative will bring parties together and invite them to explain their respective sides of the story. At this stage the HR representative will question and seek clarification from the parties and begin to summarise the main areas of agreement and disagreement. Having identified the issues to explore, the mediation is about encouraging communication between the parties, to shift the focus from the past to the future and begin to look for constructive solutions.

### **3. ENCOURAGING AGREEMENT:**

As the process develops, the HR representative should encourage and support joint problem solving ensuring that agreements are workable.

### **4. CLOSING THE MEDIATION:**

Where a mutually acceptable resolution can be found, the decision reached will be binding on both parties.

However, should a mutually acceptable resolution not be achieved, a statement will be prepared by the HR Representative, outlining what facts are in dispute, areas of agreement (if any) and the remaining areas of disagreement, for submission to the Board's Appeals Sub-Committee as part of the submissions to be considered by the Sub-Committee.

The outcome will be confirmed in writing to both parties within 7 days, and detail the right of appeal if the issue is not resolved to the employee's satisfaction.

#### **4.6 APPEALS PANEL**

##### **4.6.1** Where dissatisfaction remains following the Stage 2(a) meeting, the matter can be referred to the Board's Appeal Sub-Committee.

The Appeals Sub-Committee will be convened to hear individual and collective grievances which are not related to the interpretation of national conditions of service.

The role of the Appeals Sub-Committee is to consider the case before it by reviewing and providing an independent assessment of the case. Members are required to hear, question and assess the evidence submitted from either side to reach a view which might be to uphold, reject or vary the previous decision(s) taken. Details of the procedures to be adopted by the Appeals panel are set out in Appendix D.

##### **4.6.2 PROCEDURES PRIOR TO THE BOARD'S APPEAL SUB-COMMITTEE**

The employee must be advised in writing of the arrangements for the hearing, as soon as possible after the appeal is lodged. This should include details of the right to representation and the calling of witnesses. Representation at an Appeals Sub-Committee will be by a Trade Union representative or work colleague only.

Together with the written notification of lodgement of the appeal, the employee or their representative should specify the grounds for the appeal and may include a brief statement of the case to be made, together with supporting documents.

The relevant Assessors representative shall also be invited to submit a brief statement of the case to be made, together with supporting documents.

If either side wishes to take advantage of the opportunity to submit a brief statement, this should be submitted within 7 days of the appeal being lodged.

At least 7 days notice of the hearing of the Appeals Sub-Committee will be given to the parties involved and will include copies of any papers submitted by the parties.

In exceptional circumstances, if either side intends to submit or refer to any further documentary evidence after papers have been issued, it will be for the Sub-Committee of Ayrshire Valuation Joint Board to decide whether to consider these as part of the case to be heard. Committee Services will ensure, where practicable, copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

## **5. KEEPING RECORDS**

5.1 A copy of the summary note from any formal grievance meeting should be sent to the employee. In certain circumstances, e.g., to protect a witness, some information may be withheld.

5.2 At the conclusion of the grievance issue, all documentation and correspondence must be collated, forwarded to the Boards Personnel Representatives and filed in the employee's personal file/SharePoint for future reference, this should include:

- The nature of the grievance (grievance form);
- What was decided and what action was taken;
- The reasons for the action;
- Whether an appeal was lodged.

## **6. GRIEVANCES ABOUT FELLOW EMPLOYEES**

6.1 If an employee is the cause of a grievance among his or her colleagues, perhaps on the grounds of attitude, capability for the job; personal hygiene or conduct at work, managers must deal with these cases carefully and should generally start by talking privately to the employee about the concerns of fellow employees, this may resolve the grievance.

Care must be taken that any discussion with the employee being complained about does not turn into a meeting at which they would be entitled to be accompanied.

## **7. OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES**

7.1 Where an employee raises a grievance during a disciplinary process the disciplinary process may 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. In these circumstances, advice should be sought from SAC Human Resources.

## **8. GRIEVANCE RELATING TO EQUALITY AT WORK**

8.1 Following the introduction of the Board's Equality at Work Policy any matter relating to discriminatory, harassing, victimising or bullying behaviour should be addressed, both informally and formally, via the Grievance Policy and Procedure.

The Equality at Work Policy **must** be referred to in conjunction with the Grievance Policy, Handbook and Guidance where equality related matters are being addressed.

### **8.2 Informal Stage**

The following guidance is intended to encourage the resolution of such issues at the informal and earliest stage possible:

- a) Where an employee has a concern or complaint in relation to equalities at work they should resolve the problem using the informal procedure where they feel able to do so.

- b) On receiving a complaint every effort should be made by the manager/supervisor to resolve the situation *informally and as timeously* as possible. Resolution at the earliest stage is encouraged at all times.
- c) It is important to note that by recounting experiences the complainant may find it upsetting or difficult. Therefore, they should not be asked to repeatedly recount the events if not necessary. As the views of all concerned are important, sufficient time should be given to allow employees to provide their responses.
- d) Confidentiality is highly important and all individuals involved have responsibility to maintain this. Any breach of confidentiality will be viewed seriously and if any parties contact each other, or potential witnesses, this could be viewed as harassment which would be taken into account during any investigation and may prejudice the outcome.
- e) All parties should be advised not to discuss with others the issue in question as to do so may prejudice any future investigation.
- f) Records of meetings should be taken, paying particular attention to dates, times, locations and witnesses to incidents.
- g) If the employee refers to the Board's Grievance Policy to progress the issue all parties should be aware that a written report may be compiled to accompany the grievance form (where a formal grievance is raised). This may detail, or refer to any actions taken, meetings, documentation and/or evidence gathered under the Equality at Work Policy and the informal process.

### 8.3 Employee Actions

- a) The employee who considers they have been subject to discriminating, harassing, victimising or bullying behaviour can, if they feel able and comfortable to do so, in the first instance request the person(s) to stop the offending behaviour. Often this can be sufficient to put a stop to the behaviour in question as the person may not be aware of the impact their behaviour is having on the employee.
- b) Should the employee feel intimidated or apprehensive about approaching the person(s) they should discuss the matter initially with their manager or if that is unsuitable they can contact the Boards Personnel Representatives or their Trade Union Representative.
- c) It may be appropriate for the employee raising the concern to have a work colleague to accompany them in a supportive way when raising or discussing the matter.
- d) The employee should specify clearly what behaviour they wish to stop and how this can be achieved. The discussion should take place in private and as soon as possible after the incident.

Some useful points for the employee to consider are as follows:

- What is the behaviour they dislike and are there specific example(s) of when this behaviour took place;
- How does it affect them personally;
- What would they like to happen as a result of the informal discussion;
- How the desired outcome(s) would benefit them;
- Confirmation from the person being complained about that the behaviour will stop.

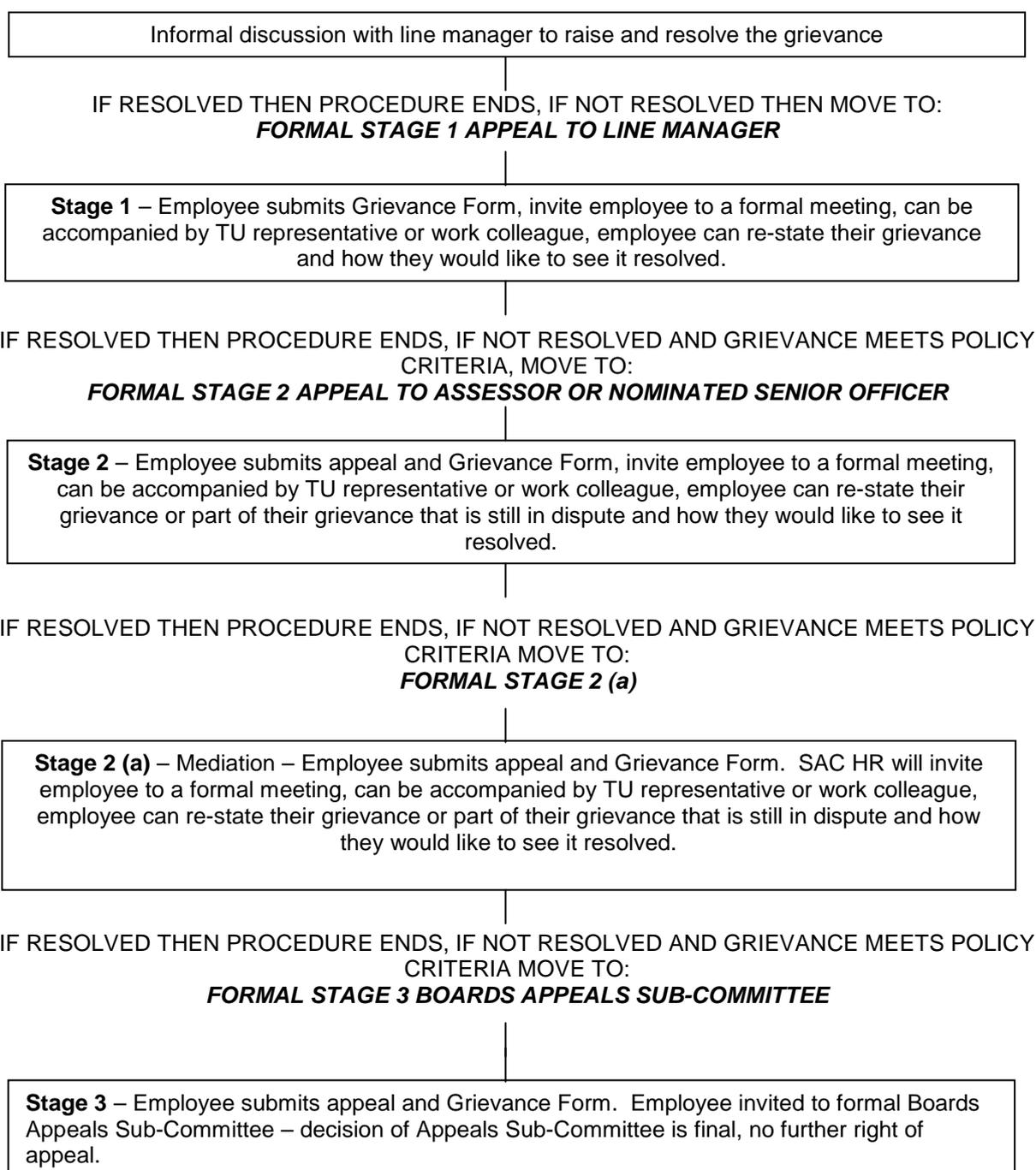
- e) When an informal discussion has taken place the employee raising the complaint may keep a note of what was discussed and agreed, including a note of any witnesses present. This may be useful should the behaviour continue despite it being raised informally and may be used at further stages of this process e.g. the formal procedure (only if and when required).

#### 8.4 Management Actions

- a) If an employee informally raises concerns the manager will seek to understand the situation and support the employee as appropriate. The employee may request that the manager approach the respondent on their behalf or accompany them when doing so.
- b) If a manager has received a complaint from another employee, on behalf of a colleague, as a result of witnessing inappropriate behaviour the manager should consider the impact on the employee raising the concern, in addition to the impact on the recipient of such behaviour, as follows:
- c) If the inappropriate behaviour has also had a negative impact on the employee raising the concern the manager will meet with both employees to understand the basis of the complaint and to consider actions going forward; or
- d) If it is less clear or there has been no impact on the employee raising the concern e.g. they are merely bringing it to the managers attention, the manager must view the information with the same seriousness and may deal with any offence through the informal/formal procedure as may be appropriate.
- e) If the offending behaviour continues, despite all efforts to resolve informally, the following actions may be appropriate:
- The manager, on behalf of the complainant, (or the Complainant) should go back to the respondent and reiterate previous discussions and agreed outcome(s); or
  - Refer to the Formal Procedure as outlined at section 3.2.2.

**Advice and guidance can be sought from SAC Human Resources at any point in the informal and formal procedures.**

## HOW TO MANAGE THE GRIEVANCE PROCESS



**GRIEVANCE FORM  
CONFIDENTIAL**

Note: If completing by hand, please do so *clearly* and in *black ink*. If you require assistance in completing this form please contact the Board's Personnel Representatives.

**SECTION A**

**EMPLOYEE DETAILS**

|                       |  |                  |  |
|-----------------------|--|------------------|--|
| Name:                 |  | Section          |  |
| Employee Number:      |  |                  |  |
| Date of Birth:        |  | Designation:     |  |
| Home Address:         |  | Work Location:   |  |
| Phone (Home/Mobile):  |  | Phone (Work):    |  |
| Date entered service: |  | Grade/Level:     |  |
| Trade Union:          |  | Trade Union Rep: |  |

**SECTION B**

**EQUALITY AT WORK**

|  |                |  |               |  |
|--|----------------|--|---------------|--|
| Does the grievance fall within the Board's Equality at Work Policy [LINK]? | YES            |  | NO            |  |
| If yes, specify the behaviour(s) that you relate to this grievance:        | Discrimination |  | Victimisation |  |
|  | Harassment     |  | Bullying      |  |
| If yes please provide further detail in Section D below.                   |                |  |               |  |

**SECTION C**

**STATUS OF APPEAL**

| STAGE OF APPEAL |  | RESOLVED |  |    |  |
|-----------------|--|----------|--|----|--|
| Stage 1*        |  | Yes      |  | No |  |
| Stage 2         |  | Yes      |  | No |  |
| Stage 2a        |  | Yes      |  | No |  |
| Stage 3         |  | Yes      |  | No |  |

\* Stage 1 is a formal meeting – if unresolved complete form and progress to Stage 2

**SECTION D**

**NATURE OF GRIEVANCE:**

## SECTION E

Please use the section below to record the outcome of each stage of the grievance where applicable. This form is designed to be used to document all Stages of the grievance procedure. Additional information can be attached as per the procedure.

Please state what answer was provided at each stage.

### STAGE 1

### STAGE 2

### STAGE 2a

### STAGE 3

## SECTION F

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

Employee Signature:

Date:

**This form is used to help assess and investigate the grievance. It will be securely stored in your personnel file where only authorised personnel will have access to it.**

**AYRSHIRE VALUATION JOINT BOARD**  
**Grievance Report**  
**Date**  
**Subject of Grievance**

**1. Background**

Give a summary of the background to the grievance.

**2. Terms of Reference**

Give a summary of reference documents, employment policies or working arrangements that are causing the detriment.

**3. Stage 1**

Summarise main points of discussion, findings and any points that have been resolved satisfactorily.

**Stage 2, 2(a),**

Summarise main points that are still in dispute.

**4. Conclusions**

The conclusions should be based on the findings from Stages 1, 2 and 2(a) above.

**5. Recommendations**

Detail the action (if any) that requires to be taken to resolve the grievance.

**PROCEDURE TO BE FOLLOWED FOR GRIEVANCE APPEALS TO BOARDS APPEALS SUB-COMMITTEE****1. Procedures Prior to the Hearing**

- 1.1 Details of the procedures adopted by the Appeals Panel shall be supplied to the employee and their Trade Union Representative, including advice as to the right to be represented at the Hearing and to call witnesses, if necessary. This shall be done as soon as possible after lodging the appeal.
- 1.2 Together with the written notification of the appeal, the employee or their representative should specify the grounds for the appeal and may include a brief statement of the case to be made, together with supporting documents.
- 1.3 The Assessor or Nominated Senior Officer shall be invited similarly to submit a brief statement of the case to be made, together with supporting documents.
- 1.4 If either side wishes to take advantage of the opportunity to submit a brief statement, this should be submitted within 7 days of lodging the appeal.
- 1.5 At least 7 days notice of the hearing of the Appeals Sub-Committee should be given. Such notice shall include copies of any papers submitted by the parties.
- 1.6 If either side intends to submit or refer to further documentary evidence after papers have been issued, it will be for the Appeals Sub-Committee to decide whether to consider these as part of the case to be heard. The Assessor (or her appointee) shall ensure, where practicable, copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

**2. Procedure to be followed at Hearing of a Grievance Appeal**

- 2.1 There may be present at all times, the employee, their representative and the Assessor or Nominated Senior Officer.
- 2.2 A person or persons acting in an advisory capacity only to the employee, their representative or to the Assessor or Nominated Senior Officer may also be allowed to be present at the Hearing, provided such persons are made known prior to the Appeals Sub-Committee prior to the case commencing.
- 2.3 The employee or their representative shall put forward its case in the presence of the Assessor or Nominated Senior Officer and call such witnesses as may be required.
- 2.4 The Assessor or Nominated Senior Officer shall have the opportunity to ask questions of the employee representative or witnesses called by the employee.
- 2.5 The members of the Board's Appeals Sub-Committee shall then have the opportunity to ask questions of the employee/employee representative or witnesses.
- 2.6 The employee/employee's representative shall have the opportunity to ask further questions of the witness, to make points of elucidation arising from questions from the Assessor or Nominated Senior Officer and members of the Appeals Sub-Committee.
- 2.7 The Assessor or Nominated Senior Officer shall put forward its case in the presence; of the employee and his/her representative and call such witnesses as may be required.

- 2.8 The employee's representative or the employee (if not represented) shall have the opportunity to ask questions of witnesses called by the Assessor or Nominated Senior Officer.
- 2.9 The members of the Board's Appeals Sub-Committee shall then have the opportunity to ask questions of the Assessor's/Nominated Senior Officers witnesses.
- 2.10 The Assessor or Nominated Senior officer shall have the opportunity to ask further questions of the witness, to make points of elucidation arising from questions from the employee's representative and members of the Appeals Sub-Committee.
- 2.11 The Assessor or Nominated Senior Officer and the employee and their representative shall have the opportunity, if they wish, to sum up their case, introducing no new material.
- 2.12 The Assessor or Nominated Senior Officer, the employee and their representative, and any advisers if present, shall then withdraw.
- 2.13 The Appeals Sub-Committee, in the presence of the Officer(s) appointed to assist the Panel, shall then deliberate in private, only recalling if necessary, the Assessor or Nominated Senior Officer, the employee and their representative, to clarify points of uncertainty on evidence already given.
- 2.14 If recall is necessary, both parties are to return notwithstanding only one is concerned with the point to be clarified.
- 2.15 The Appeals Sub-Committee shall recall the Assessor or Nominated Senior Officer, the employee and their representative and announce their decision on the appeal, which will be confirmed in writing.
- 2.16 Under the Board's Scheme of Delegations the Appeals Sub-Committee is authorised to uphold or reject appeals or to order the varying of the action taken. The form of the decision to be announced by the Appeals Sub-Committee shall be one of the following as appropriate:

**That the grounds of the appeal have been substantiated and the appeal be upheld.**

**That the grounds of the appeal have been substantiated in part and the appeal is upheld to the extent that ....**

**That the grounds of the appeal have not been substantiated and the appeal is not upheld.**

### **3. Procedures Following a Hearing**

The Assessor (or nominated officer) shall give to the parties' written confirmation of the decision taken within 7 days of the Hearing at which the decision is taken.

The employee shall be entitled to written reasons for the decision by a request in writing to the Assessor within 14 days of the notification of the decision.

If such a request is received, the written reasons shall be given within 14 days of the receipt of the request.

The following letters are for general guidance only and will require minor adjustment to take account of individual circumstances.

Grievance 1 – Letter inviting employee to grievance hearing

Grievance 2 – Letter intimating grievance upheld

Grievance 3 – Letter intimating grievance not upheld, employee can appeal and/or request to omit a stage by agreement

Grievance 4 – Letter to employee, grievance does not meet policy criteria

Grievance 5 – Letter acknowledging appeal to stage 2

## **Grievance 1 – Letter inviting employee to grievance hearing**

Dear (name)

### **Grievance – Stage \*(1 or 2)**

I refer to the Notification of Grievance form that you submitted on (date) \*(and previous correspondence dated xx). In accordance with the Board's Grievance Procedure, you are invited to attend a grievance hearing on (date), at (time) in (location).

You will be given the opportunity to explain your grievance and how in your opinion, the grievance could be resolved. If you wish, you may be accompanied by your Trade Union representative or work colleague.

\*(The meeting may be attended by an HR representative)

It would be helpful, if you would confirm both your attendance, the name of anyone accompanying you to the interview \*(and the names of any witnesses you intend to call on your behalf).

Yours sincerely

Manager

cc Trade Union Representative

\* add in clauses – use as appropriate

## Grievance 2 - Letter intimating grievance upheld

Dear (name)

I refer to the grievance hearing which was held on (date).

Please find attached the notes of the meeting which summarise the discussion.

In terms of the Board's Grievance Procedure the outcome of the hearing is that your grievance has been upheld.

(Add in detail of action to be taken)

Yours sincerely

Manager

cc Trade Union Representative

### Grievance 3 – Letter intimating grievance not upheld, employee can appeal

Dear (name)

I refer to the grievance hearing which was held on (date). Please find attached the notes of the meeting which summarise the discussion.

In terms of the Board's Grievance procedure the outcome of the hearing is that your grievance has not been upheld.

The reason for this decision is (detail of specific reason).

I have to advise you the grievance procedure entitles you to appeal to \*(specify name and address of Assessor/nominated senior officer for stage 2) \*(the Board's Appeal Sub-Committee 2a) \*(Board's Appeal Sub-Committee for stage 3) within 14 days of receipt of this letter.

If you do appeal, you will be given an opportunity to explain your reasons at a meeting with \*(name for stage 2 / 2a) \*(the Board's Appeals Sub-Committee for stage 3), at which you may be represented by your trade union representative or work colleague.

Or

\*As you will no doubt be aware, the Grievance procedure includes a Mediation Stage 2(a) prior to a grievance proceeding to the Appeals Sub-Committee. If you choose to appeal and in view of the nature of your grievance, I propose that we dispense with Stage 2a on this occasion and proceed to Stage 3 where your Grievance will be heard by the Board's Appeals Sub-Committee.

I would be grateful for your view on my proposal.

Yours sincerely

Manager

cc Trade Union Representative

\* add in clauses – use as appropriate

## **Grievance 4 – letter to employee, grievance does not meet policy criteria**

Dear (name)

### **Grievance – Stage \*(1 or 2)**

I refer to the grievance hearing which was held on (date).

Please find attached the note of the meeting which summarises the discussion.

Your grievance relates to (insert details of reason for grievance) (insert Board terms of reference which counteract the grievance which deem it to be not competent).

Having heard the substance of your grievance, I can confirm that the Board applied correctly the (insert policy/rules). You have not demonstrated that the Board has failed to apply its procedures, or that the Board procedures were unfairly or improperly applied to you personally.

Therefore your grievance does not meet the criteria under the Board's Grievance Procedures and there is no further right of appeal under these procedures.

Yours sincerely

Manager

cc: Trade Union Representative

\* add in clauses - use as appropriate

## **Grievance 5 – letter acknowledging appeal to stage 2**

Dear (name)

### **Grievance – Stage 2**

I refer to your Grievance Form dated (insert date)\*(and correspondence dated) indicating you wish to appeal against the decision taken by (insert name) at Stage 1 of the Board Grievance Procedures.

Arrangements are being made for a meeting at Stage 2 of the Grievance Procedures and you and your Trade Union Representative will be advised accordingly

Yours sincerely

Manager

cc: Trade Union Representative