

HR & OD POLICIES

human resources and organisational development



Grievance procedure

Local Government, Chief Officials & Craft

1. INTRODUCTION

A grievance is a concern, problem or complaint which is raised by an employee about an alleged deficiency in the Employer's/colleagues' treatment of them. The purpose of this procedure is to set out the framework by which an employee's grievance will be addressed as quickly and fairly as possible.

Scope of the Procedure

The grievance procedure provides a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. Examples of issues that may cause grievances include:

- Interpretation of Terms and Conditions of employment.
- Application of Aberdeenshire Council's Policy and Procedures.
- Matters of Health and Safety.
- Relationships at work.
- Equality issues.
- Organisational change.

These examples are for the purposes of illustration and are not intended to be exhaustive.

The following examples fall outwith the grievance procedure:

- The outcome of a job grading or an organisational review.
- It is not competent to raise a grievance on a disciplinary matter. It is competent to raise a grievance relating to the disciplinary process. Where the disciplinary and grievance cases are related it may be appropriate to deal with both issues concurrently.
- In relation to an incident which happened more than 3 months previously. There may be circumstances where incidents that happened more than 3 months ago may be addressed and advice should be sought from [HR & OD](#) e.g. bullying and harassment complaints.

- A grievance cannot be raised against a procedure if there is an appeal process within that procedure. If either party is involved in the procedure they may not lodge a further grievance against the procedure.

If a grievance is found to be deliberately vexatious or malicious this will be treated as a serious disciplinary offence and may constitute gross misconduct.

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

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.

A grievance can be rejected if an employee who raised the grievance fails to attend scheduled meetings without a reasonable explanation.

Former employees who wish to raise a grievance once they have left their employment with Aberdeenshire Council do not have access to this procedure. They must set out in writing their complaint and the basis for it. An appropriate senior manager must then set out a response in writing. There is no requirement to have a hearing and the individual has no right of appeal.

2. REPRESENTATION

Employees can be represented by a trade union representative or a work colleague at the formal stages of the Grievance Procedure.

If the employee's chosen representative is not available at the time proposed for the hearing by the employer, the employer should postpone the hearing to an alternative time proposed by the employee provided that the alternative time is within a reasonable period¹ after the date originally proposed.

The manager can object to the chosen representative if a conflict of interest arises. In such circumstances, the chair of the hearing shall determine whether the chosen representative can participate.

¹ ACAS Guidelines suggest no more than 5 working days

3. RESOLUTION

When lodging a grievance the employee should state clearly what steps they wish to be taken to resolve their grievance. Resolutions sought must be reasonable and in line with Aberdeenshire Terms and Conditions of Service and Policies and Procedures. Management involved in making a decision following a grievance including setting out resolutions/ recommendations may only do so in accordance with these Terms and Conditions, Policies and Procedures and the Equality Act 2010.

4. STAGES

Informal Stage

Any employee who is aggrieved on any matter should discuss the issue initially with his/her line manager. Where the matter concerns the line manager, the problem should be referred to the next level of management.

Every effort should be made to resolve the matter through informal discussion or through informal representation by a trade union official or work colleague. Points of action and agreement made may be noted.

If, after attempting to resolve the grievance informally, the employee is dissatisfied with the response, either verbal or written, or if no response has been forthcoming within 7 calendar days, the employee can initiate the formal stage of the Grievance Procedure. An employee may choose to have their complaint heard formally in the first instance although every opportunity will be given to seek informal resolution.

Stage 1: Formal Hearing

The employee should raise the matter in writing to a more senior manager within the Service. Where possible, the Formal Written Statement of Grievance form, which can be found in the [resource pack](#), should be used. If it is not, the grievance should set out in writing, as a minimum, the exact nature of the grievance and the resolution sought by the aggrieved party.

The person to whom the Formal Written Statement of Grievance has been addressed will convene a formal grievance hearing within 14 calendar days from receipt of the letter. Acknowledgment of Formal Written Statement and Stage 1 Invite should be sent to the aggrieved employee and to the person the complaint was made against.

Both parties have the right to call witnesses to the hearing and it is the responsibility of the chair to arrange for the witnesses to be invited. The chair should be notified of the names of the requested witnesses as soon as possible.

The chair is responsible for the conduct of the hearing and must regulate the process in such a way as to be fair to all parties.

If the Chair requires further information to make a decision he/she should consider adjourning the hearing and consider further investigation within reasonable timescales.

The outcome of the grievance hearing including any action points will be conveyed to both parties in writing within 7 calendar days of the date of the hearing taking place.

Stage 2: Appeal

Where the employee is dissatisfied with the decision at Stage 1 there shall be a right for the matter to be heard by his/her Head of Service (or his/her nominee).

Where the Head of Service heard the grievance in Stage 1, the employee shall have the right for the matter to be heard by his/her Director of Service (or his/her nominee).

If they wish to appeal, the employee or his/her trade union representative must submit a statement of appeal, in writing, to the employee's Head of Service (or his/her nominee). The statement of appeal must explain the reasons for continuing dissatisfaction and must be submitted with 14 calendar days of receipt of the decision at Stage 1.

The Head of Service (or his/her nominee), on receipt of the statement of appeal, will convene a formal grievance hearing within 14 calendar days.

The grievance appeal should refer to the reasons why they remain dissatisfied with the outcome of Stage 1. No new grievance can be raised at this stage. The appeal hearing should not be seen as a re-run of the original hearing and must address why the employee is still dissatisfied with the Stage 1 response.

If the Chair requires further information to make a decision he/she should investigate further within reasonable timescales.

The Director of Service / Head of Service (or his/her nominee) shall advise the aggrieved employee of his/her decision in writing within 7 calendar days of the date of the hearing. The outcome letter should also be sent to the person the complaint was made against.

If agreed by all parties involved in the grievance that it is not possible to meet the prescribed time scales, the reason for the delay should be notified in writing to the employee and his/ her representative within the original time scale. An alternative date will be scheduled by the Chair who will keep both parties informed.

Next Steps

The Grievance Procedure is exhausted after the Grievance Appeal and the decision of the Head of Service / Service Director (or his/ her nominee) will be final and binding to all parties involved.

The application of this Policy and Procedure will not infringe employees' statutory rights, e.g. Employment Tribunal.

5. COLLECTIVE GRIEVANCES

This Grievance Procedure applies to both individual and group grievances and the same stages should be utilised.

If a collective grievance is lodged, the aggrieved parties may determine who will attend a hearing and nominate representatives where appropriate in large collective grievances. However, this should not delay any scheduled hearings.

Further advice on Grievance Procedure can be obtained from your [Service Specific HR Team](#).

Title of Procedure

Index of Documents

Procedure

Revision Date	Previous Revision Date	Summary of Changes
28-06-2011	-	Creation of all Documents
24-11-2011	28-06-2011	Teachers and Associated Professionals Added
19-11-2015	24-11-2011	Full revision of the Procedure
06-09-2016	19-11-2015	Procedure revised for LG & Craft Employees only
25/07/2018	06/09/2016	Reference to mediation removed