

# **Grievance Policy**

August 2021

## Document governance and management

Document owner/author/lead	Interim Director of Finance and Resources
Version number	4
Current version referred for approval to	Council 26 August 2021
Date of next review	August 2024
Date of equality impact assessment (mandatory)	17 February 2021
Date of privacy impact assessment (if required)	N/A
Date of environmental impact assessment (if required)	N/A

**Change log – for minor changes to spellings, sentences etc. Use when policy is not being put forward for approval.**

Officer name	Date of change	Description of change	Confirm upload of revised document
N/A – full consultation log prepared – see separate document.			

## Contents

<b>1. Introduction</b>	<b>3</b>
<b>2. Principles</b>	<b>5</b>
<b>3. Roles and responsibilities</b>	<b>6</b>
3.1 Council	6
3.2 Executive Management Team	6
3.3 Operational Management Team	6
3.4 Line manager	7
3.5 Employees	7
3.6 Witness responsibilities	7
3.7 Human Resources	8
<b>4. Policy</b>	<b>8</b>
<b>5. Procedure</b>	<b>9</b>
5.1 Raising concerns informally	9
5.2 Raising a formal grievance	10
5.3 Grievance hearing	11
5.4 Grievance outcome	12
5.5 Grievance appeal	12
5.6 Following the grievance hearing	13
<b>6. Further information</b>	<b>13</b>
6.1 Learning and development	13
6.2 Sources of support	14
6.3 Related documents	14
6.4 Special circumstances	14
<b>Appendix 1 – Chairing a grievance hearing</b>	<b>16</b>
<b>Appendix 2 – Grievance notification form</b>	<b>19</b>

# 1. Introduction

## Purpose

Our Grievance Policy provides employees with a course of action if they have concerns which they are unable to resolve through regular communication with their line manager.

The aim of the policy is to make sure that any grievance relating to employment is settled fairly and without unreasonable delay.

We believe that all employees must be treated fairly and with respect. If an employee is unhappy about the treatment that they have received or about any aspect of their work, they should discuss this with their line manager, who will attempt to resolve the situation on an informal basis. If they feel unable to approach their line manager directly, they should approach Human Resources, who will discuss with them ways of dealing with the matter.

Grievances are concerned with a wide range of issues, including the allocation of work, working environment or conditions, opportunities for career development or the way in which an employee has been managed. However, it is important to recognise that managers are responsible for the day to day management of their employees and therefore have a right to manage.

A grievance hearing is not the same as a disciplinary hearing. It is an occasion when discussion and dialogue can lead to an amicable solution.

We recognise that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

Complaints that an employee has about any disciplinary action taken against them are dealt with as an appeal under the disciplinary procedure.

## Scope

This policy applies to all temporary and permanent Scottish Social Services Council employees, including the Chief Executive and Executive Management Team (EMT) members. This policy does not apply to social service employers, workers or social work students.

This policy does not apply to any concerns relating to bullying, harassment, discrimination, victimisation, whistle blowing or disciplinary issues. Separate policies are available to deal with concerns in relation to these areas.

In addition, our grievance policy does not cover the following issues:

- a collective agreement approved by Partnership Forum
- statutory rights or tax concerns, for example where a People Management policy reflects statutory responsibilities as set out in employment law
- grievances raised by a recognised trade union on behalf of several employees are raised under the dispute procedure contained within the Partnership Agreement.

Advice must be sought from Human Resources where there is uncertainty around the most appropriate policy to raise the issue under.

## **Legislation**

- Employment Rights Act 1996.
- Employment Relations Act 1999.
- Data Protection Act 2018.
- General Data Protection Regulation (2016/679 EU).
- ACAS code of practice on disciplinary and grievance procedures, and related guidance.
- ACAS guidance on disciplinary and grievance procedures during the coronavirus pandemic.

## **Data protection**

When dealing with grievances, we will process any personal data collected in accordance with our [data protection policy](#). We will record only the personal information required and keep the information only for as long as necessary.

We will make a written record of all meetings conducted under this procedure. We will hold any data collected securely and make sure this is accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure.

We will hold data collected as part of informal complaints and the grievance procedure securely and ensure this is accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. You must immediately report any inappropriate access or disclosure of employee data in accordance with our data protection policy as this constitutes a data protection breach. It can also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

## **Monitoring and review**

Human Resources and the Partnership Forum are responsible for monitoring and implementing this policy to make sure that it is fairly and consistently applied and that the stated principles and values are met. We will review this policy every three years (or earlier should legislation change) and make amendments as appropriate in consultation with the Partnership Forum. We will outline minor amendments in the change log and update the version control. Major changes will follow the consultation cycle – Equality Impact Assessment; Operational Management Team; Partnership Forum; Executive Management Team and Council.

## 2. Principles

### **Policy specific**

In operating this policy we will follow these principles and make sure we comply with the ACAS Code of Practice.

- We will treat seriously all concerns raised under this policy. All employees can raise concerns without fear of victimisation.
- Wherever possible, employees can raise concerns informally before submitting concerns under the formal stage of this procedure.
- Where appropriate, we encourage the use of formal and informal mediation at every level and stage of the process.
- All grievances must be made in good faith. Where there is evidence that an employee has submitted a grievance irresponsibly, without reasoned purpose or where the employee has not acted in accordance with our organisational values and the code of conduct then we can consider it 'malicious, vexatious or frivolous'. This can be considered under the Disciplinary Policy and Procedure.

When applying this policy and procedure, we expect our employees and our managers to treat each other with dignity and respect by acting in accordance with our organisational values.

### **Recognition and respect for others**

- We treat each other with kindness and respect and value the contribution every employee makes.
- At every stage of the process we will not discriminate on the grounds of protected characteristics as listed in the Equality Act 2010.
- We will treat all employees fairly and consistently under this process and if any employee requires specific support and assistance due to them having a protected characteristic under the Equality Act 2010, we will accommodate them appropriately.

### **Working together**

- We recognise the value of positive and constructive involvement and participation from the recognised trade union. We confirm our commitment to partnership working in the Partnership Agreement, which is integral to the development and maintenance of harmonious employee relations.
- All employees have the right to be accompanied at formal stages of the policy by a work colleague or a recognised trade union representative. We will allow support at the informal stages where appropriate.

### **Accept responsibility and accountability**

- The timescales detailed in this procedure can be extended with the agreement of both parties and likely timescales discussed.
- Act in a fair and consistent way being open and honest about any performance issues.
- Respect confidentiality and only share information, as appropriate, with relevant employees.
- Deal with issues kindly, sensitively and showing compassion.
- We will carry out all investigations into grievances without unreasonable delay.

## 3. Roles and responsibilities

### 3.1 Council

People management policies which include any of the following are reserved for the Council.

- Associated additional costs that are not contained within the current budget.
- Any proposed fundamental change to terms and conditions of employment.
- Where the Council has a clearly defined role to play.

Council is accountable for:

- approving this policy and procedure
- making sure the structure of the organisation is fit for purpose to deliver objectives
- making sure that the application of this policy does not breach any statutory requirement placed upon the SSSC
- making sure that the Chief Executive and EMT have in place appropriate and up to date policies and procedures for the effective management of employees
- making sure those policies and procedures are applied fairly and in accordance with the law
- hearing and deciding on the merits of any appeals made under this policy.

### 3.2 Executive Management Team

The EMT is responsible for:

- the implementation of the policy and to create a culture in which employees can flourish through interesting and rewarding work
- delegating responsibilities related to the policy to Operational Management Team (OMT) and line managers
- making sure that managers and employees receive appropriate development, support and training to implement the policy appropriately
- making sure that the application of this policy and procedure does not breach any statutory requirement placed upon the SSSC
- making sure that changes to people management policies not retained for the specific approval of the Council are reported to the Council on a quarterly basis for endorsement.

### 3.3 Operational Management Team

The OMT is responsible for:

- making sure their managers and employees are aware of the processes to be followed within this policy and procedure
- making sure that employees are treated consistently and fairly, being mindful of the needs of the organisation as well as that of the individual.

## 3.4 Line manager

The line manager is responsible for:

- acting in a fair and consistent way, being open and honest about conduct
- always acting promptly to deal with any misconduct on the part of their employees
- dealing with issues kindly, sensitively and showing compassion
- respecting confidentiality and only sharing information, as appropriate, with relevant postholders
- considering our responsibilities under the Equality Act (2010) and, where appropriate, make reasonable adjustments for any individual who may have a disability or other protected characteristic
- considering any health impact and considering supports such as employee assistance programme or occupational health.

## 3.5 Employees

We expect the highest standards of integrity and conduct from all employees. All employees must comply with the SSSC Code of Conduct for Employees.

Employees are responsible for:

- attempting to resolve grievances informally through discussion with their manager or the person concerned, as soon as reasonably practical
- lodging formal grievances with their line manager if the informal discussions fail
- if an employee's grievance is against their immediate manager, it can be lodged with the manager at the level above or with Human Resources
- cooperating with arrangements to consider the grievance; if they do not cooperate with the timescales and processes the manager can dismiss the grievance
- arranging own representation (work colleague or recognised trade union representative) to attend meetings arranged in connection with the grievance
- seeking a resolution that is reasonable, achievable and within the power of the manager or SSSC to grant
- if any aspect of the grievance procedure causes the employee difficulty on account of any disability or protected characteristic they have, or if they need assistance because English is not their first language, they should raise this with HR who will make the appropriate arrangements to support them to fully participate in the process.

## 3.6 Witness responsibilities

Witnesses can be identified by either the employee raising the grievance or by the manager investigating and hearing the grievance. Where a witness has information important for the investigation, we will contact them and ask them to provide an honest and objective account of the events.

Witnesses must not discuss the events being investigated with any other witnesses or anyone other than those conducting the investigation. Witnesses must make sure their evidence is factual and directly related to the matter under investigation. Witnesses are expected to attend meetings including the grievance hearing and any subsequent appeal hearing if management request them to do so.



Witnesses can refuse to be a witness if requested by a fellow employee but must attend if management ask them. We appreciate that being a witness can be difficult for some individuals. Witnesses can seek support from their recognised trade union representative, line manager and/or HR. If a witness has a clear reason for not wanting to be identified or attend a hearing they can speak to the investigating officer or HR.

Any attendance will be within working hours and therefore witnesses will not suffer financial detriment for attending meetings ie they can claim their working time and any reasonable travel expenses.

## 3.7 Human Resources

Human Resources is responsible for:

- updating this policy and procedure in line with the agreed schedule, or as changes occur, to comply with employment and other pertinent legislation, best practice and the SSSC people strategy
- developing this process and procedure collaboratively to meet legal and business requirements
- keeping all parties up to date, and will make sure that everyone follows the Grievance Procedure and that all employees are aware of their rights and responsibilities
- developing template letters, forms and guidance
- offering advice on how to apply the grievance policy and procedure
- making sure the process is followed in line with the policy and procedure
- reminding employees and managers of their responsibilities under the policy and procedure, if required
- no formal investigation will take place into any grievance without full discussion with HR and reference to this policy
- all grievance hearings will have a member of HR in attendance to provide advice and guidance
- monitoring use of the policy and processes and reporting any non compliance to Heads of Department/Directors
- it is not the function of HR to make or unduly influence the final decision and outcome, which is the responsibility of the disciplining officer/Employment Appeals Panel
- provide Council with an overall picture of the number of grievances in line with reporting against the People Strategy and HR metrics.

## 4. Policy

This policy provides a mechanism to fully consider concerns and to resolve them consistently, effectively, fairly and promptly. However, in the first instance, we encourage employees to try to resolve issues through informal discussion with their line manager wherever possible. This often results in an immediate solution and can make it unnecessary to use the formal stages of the procedure.

Grievances are concerned with a wide range of issues including:

- working practices
- the working environment

- health and safety
- implementation of organisational change
- what you are being asked to do as part of your job
- misapplication of terms and conditions.

Timescales will inevitably vary with the facts of each case. What matters is that adequate time is given to consider concerns raised in full before we take any relevant action. We will balance this need for time with the need to resolve an issue and to also avoid the additional stresses that are caused when an employee is aggrieved. Where timescales are given, these are as a guide only.

We will provide advance written notice to employees of any concerns raised against them.

## 5. Procedure

### 5.1 Raising concerns informally

We will make every effort to raise and resolve grievances informally in the first instance. Informal action aims to resolve grievances as close to their point of origin as possible. If an employee has a concern, they must discuss this with their line manager, who will attempt to resolve the situation in an informal way normally within four to six weeks.

The informal stage of the process provides the time and space for the manager and employee to resolve the issue. An informal discussion is often the quickest and easiest way to resolve issues. It also avoids the feeling of escalating issues which can sometimes happen when other parties join the conversation before the employee and manager have had the opportunity to resolve it themselves.

This is however more than just a conversation. Grievances raised informally are taken just as seriously as those raised formally and the employee can seek support from their recognised trade union.

If the grievance is related to the employee's line manager, they must approach their manager's manager or Human Resources, who will discuss ways of dealing with the grievance.

#### **Responding to concerns raised informally**

When a manager receives a grievance, it is important that they understand all the issues raised. The employee must therefore outline the issue/concern they wish to raise and the outcome they are seeking. Where necessary, the manager can decide that further fact finding is required. This can include referring to policies, procedures, other documentation or talking to other colleagues or people outside our organisation. Depending on the nature of the grievance one potential outcome is to recommend mediation.

The employee and their manager can also agree an action plan and meet regularly during the informal stage to monitor and review progress made. The manager will meet the employee again once all agreed actions have been taken to decide whether the matter is resolved. The action plan will include the issue, the action, who is responsible for doing this and timescales.

Actions agreed may include, for example:

- buddying
- clarifying or reviewing policies and procedures
- coaching and mentoring
- meetings with third parties
- training.

The manager will take a record of the steps taken during the informal stage and any agreement reached. Both the employee and their manager will sign this off before sending on to HR (to ensure confidentiality HR will store this information on the personnel file). This is important if we need to revisit the situation in the future. For example, if the employee believes that their grievance remains unresolved and raises a further grievance.

It is not always possible to resolve the grievance in the employee's preferred way. It is important that they feel we have followed a fair process and that we have listened to their concerns and considered them in full. To help conclude matters the manager will write to the employee confirming what they did to resolve the grievance and the outcome of the grievance. This is sent to HR and recorded on the personnel file.

Where informal attempts at a resolution fail, we will consider further mediation. This is on the advice of HR. However, if this is not appropriate, and the employee remains dissatisfied with the action taken to resolve their grievance informally, they can raise the matter formally and without unreasonable delay.

## 5.2 Raising a formal grievance

A formal grievance is concerned with the way in which the employee believes the organisation, or managers acting on its behalf, has treated them on any aspect of their work.

If the employee's grievance remains unresolved after the informal stage, they can proceed to the formal stage of this procedure. They should complete the Grievance Notification Form (appendix 2) within 14 calendar days of the outcome of the informal stage and send it to their line manager and Human Resources. If their grievance is about their line manager then they must send it to their manager's manager. The manager who receives the grievance can appoint a different manager to hear the grievance and notify the employee of this.

This form is the basis of the subsequent hearing and any investigations, so it is important that the employee sets out clearly the nature of their grievance and indicates the outcome that they are seeking and what action was taken during the informal stage. We can ask the employee to clarify their grievance before any meetings take place.

We can make further attempts to resolve the matter informally, depending on the nature of the employee's complaint. However, if the employee is not satisfied with the outcome, we will proceed to a full grievance hearing.

### **Investigation**

It can be necessary to carry out an investigation into the employee's grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case.

We will appoint an Investigating Officer to interview and take statements from the employee and any witnesses, and/or review relevant documents. Where relevant, this can include reference to any fact finding completed at the informal stage of the process.

In some cases, we can hold a grievance meeting first to help the manager hearing the grievance to decide what investigation (if any) to carry out. We can then hold a further grievance meeting with the employee after the investigation and before a decision is reached.

The level of investigation will depend on the individual case. Any employees asked to provide statements are required to cooperate fully and promptly with the investigation. If any evidence is gathered during the investigation, we will give the employee a copy seven calendar days in advance of the hearing for them to consider their response.

In exceptional circumstances, the evidence given by individuals will remain confidential. Where confidentiality is necessary, we will explain this to the employee and give them an appropriate summary of the evidence gathered. The employee must also share any evidence they have gathered in support of their grievance seven calendar days in advance. Their evidence must be factual and directly related to the grievance.

The employee can bring a work colleague or recognised trade union representative with them to the investigation meeting. The meetings will not be unreasonably delayed ie dates won't be reorganised more than once.

We can bring in an external consultant or parties to carry out the investigation or chair the grievance or appeal. In these instances, we will make sure that they follow our processes and conduct them in line with ACAS codes of practice. If an external source is sought, we will appoint an internal contact and usually a member of HR will liaise with them.

## 5.3 Grievance hearing

We will hold the grievance hearing as soon as is reasonably practicable and, subject to any need to carry out investigations. Wherever possible it will begin within 14 calendar days of us receiving the Grievance Notification Form. The manager that the grievance was submitted to will normally chair the hearing and a HR representative will attend to advise on any policy or procedural questions. A note taker is present to record the meeting.

At the meeting, we will ask the employee to explain the nature of their grievance and what action they want taken to resolve the matter. Where appropriate, the meeting will adjourn to allow further investigations to take place. Where more than one employee raises the same or substantially the same issue, we will consider if it is appropriate to deal with the grievances together to achieve a fair and consistent outcome.

We will allow the employee every opportunity to explain their case fully but only on matters directly relevant to their complaint. Focusing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of their complaint. The manager conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The manager can also intervene to make sure that the meeting is completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

See appendix 1 for full details on the grievance hearing process.

Where it is not possible to hold a face to face meeting, we will conduct the grievance hearing remotely. We will make sure that the employee has access to the necessary technology to take part in the process.

The employee must make sure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their line manager as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing can take place in their absence.

Following the meeting, we will inform the employee in writing of the outcome within 14 calendar days and tell them of any action we propose to take because of their complaint. They can discuss this outcome informally with either their manager or Human Resources.

If the employee is dissatisfied with the outcome, they can make a formal appeal.

## 5.4 Grievance outcome

Within 14 calendar days of the meeting, the chair of the grievance hearing will write to the employee to confirm the outcome of the hearing and any action proposed because of the grievance. The chair will also advise any employee(s) named in the grievance, in writing, of their decision at the grievance hearing.

The outcomes of the grievance can be:

- grievance upheld (in full or partially) – the employee will be advised which parts of the grievance are upheld and the rationale for this. The chair can make recommendations to resolve the cause of the grievance
- grievance dismissed – the chair will confirm that there is no case to answer
- grievance dismissed but management recommendations made – the chair will confirm that there is no case to answer and will make recommendations in response to information that came to light during the investigation or hearing.

## 5.5 Grievance appeal

If the employee feels that their grievance has not been satisfactorily resolved they can appeal against the outcome to the Head of Human Resources, who will determine the most appropriate senior manager to hear their appeal. Where their grievance is against the Head of Human Resources, they should submit their appeal to the Director of Finance and Resources.

The employee must appeal in writing within 14 calendar days of the written notification of the grievance outcome. They must clearly state the reasons for their appeal (ie the basis that they believe the grievance outcome was wrong or that the action taken as a result was inappropriate), the redress they are seeking and how to resolve the matter, in their opinion. We will arrange an appeal meeting to take place within 14 calendar days of the submission of the employee's formal appeal, wherever possible.

Where an employee lodges an appeal, we will not delay in implementing action from a grievance meeting, although we can subsequently amend the decision because of the appeal process.

Where it is not possible to hold a face to face meeting, we will conduct the appeal hearing remotely. We will make sure that the employee has access to the necessary technology for participating in the process.

The employee must ensure that they attend the meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they must inform HR of this as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing can take place in their absence.

The Chief Executive, or Director whose area of responsibility it is, should consider, with the support of HR, whether the appeal will be heard by a member of EMT or OMT. If the grievance is in relation to a member of EMT or the Chief Executive, the Employment Appeals Panel of the Council will hear it. This normally comprises a minimum of three and a maximum of five Council Members, drawn from a pool of all Council Members. The Convener will appoint the chair.

The appeal Chair will consider the grounds that the employee has put forward and assess whether the conclusion reached in the original grievance hearing was appropriate. We will notify the employee of the outcome of the appeal hearing as soon as possible after the hearing is concluded. We will share a note of the hearing with the parties involved.

If the employee remains dissatisfied they may refer the matter to the final appeal stage.

If an employee raises any new matters during the appeal, we can carry out further investigations. If any new information comes to light, we will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity, normally at least 48 hours, to consider this information before the appeal hearing.

## 5.6 Following the grievance hearing

It is important to recognise that even when a grievance is concluded things might never be the same, particularly if an employee perceives that the issue is unresolved. In some situations, there will continue to be conflict/tension and fractured relationships. Individuals can need help and support to rebuild professional relationships. The HR team will work with managers and employees to determine the most appropriate way of achieving this, for example, through interventions like mediation and team building.

# 6. Further information

## 6.1 Learning and development

To support the fair and consistent application of this policy, we will make sure full awareness and understanding of the issues relating to grievance for managers by incorporating training on this policy within line management development programmes and make sure that all managers have participated in such a programme.

## 6.2 Sources of support

Employees can feel emotional, fragile and vulnerable when thinking about raising a grievance even when it is something they consider to be legitimate. An employee who has had a grievance raised against them can also find this difficult. Support available to both is summarised below.

- The Employee Assistance Programme
- Recognised trade union representative
- Advisory Conciliation and Arbitration Service (ACAS)
- Human Resources
- Occupational Health
- Relevant corporate learning and development opportunities.

## 6.3 Related documents

- Code of Conduct
- Corporate Health and Safety Policy
- Dignity at Work Policy
- Disciplinary Policy
- Partnership Agreement
- Whistleblowing Policy.

## 6.4 Special circumstances

### **Withdrawing a grievance**

If an employee wishes to withdraw a grievance, they must put this in writing to the manager hearing the grievance. Depending on the situation it can end the investigation and they must ask for advice from HR on when this is appropriate.

### **Overlapping grievance and disciplinary cases**

Where an employee raises a related grievance during a disciplinary process the disciplinary process can be suspended to deal with the grievance. They must ask HR for advice in this situation. Where the grievance and disciplinary cases are unrelated it can be appropriate to deal with both issues concurrently.

### **Sickness**

Where an employee is well enough, the investigation/hearing can continue even if they are not able to attend work, particularly if concluding a grievance will help them return to work. This relates to both the employee raising the grievance and, where relevant, the individual who has had the grievance raised against them, as well as any key witnesses. If either party feels they are not well enough to participate then we will refer them to Occupational Health to find out if there is any additional support which might enable them to participate in the process.

### **Issues relating to the same grievance**

An employee cannot start the process again in relation to the same grievance where a grievance has been raised and either:

- not progressed within the time limits by them
- withdrawn by them
- not resolved to their satisfaction even at the completion of the appeal process.

**Anonymous complaint**

If an employee makes an anonymous complaint, we will consider it to see if there is enough evidence to substantiate reviewing it. If there is then we will manage the issues through the grievance procedure and resolve. We will make the relevant people aware that a grievance was raised, has been investigated and resolved or found to be unsubstantiated.



# Appendix 1 – Chairing a grievance hearing

## **Preparation for the hearing**

The investigating officer will gather evidence as part of any investigation. They will share this with the employee seven calendar days in advance of the grievance hearing. The employee must also share any evidence they have gathered in support of their grievance seven calendar days in advance.

Make sure there are rooms available for the employee and their representative to use before the hearing starts, during any adjournments and at the end when the chair is deliberating. If there are witnesses for both sides - make sure enough separate rooms are available for them to use.

## **Format of a formal grievance meeting**

The main purpose of a formal grievance meeting at this stage is to make sure that all parties have as full an understanding as possible of the issues so that the chair can make an impartial decision based on facts.

While the employee will be given every opportunity to explain their case fully, they must confine their explanation to matters that are directly relevant to their complaint. Focusing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of their complaint. The manager conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The manager can also intervene to make sure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

The meeting must take as flexible an approach as possible while adhering to the following.

## **In the hearing**

- The purpose of the hearing is to discuss the employee's grievance.
- Introduce those present and explain the role of each person eg chairing the proceedings, HR representative to provide advice, investigation officer(s) attending to present their report and any witnesses.
- Clarify - if the employee is accompanied and if the representative/companion is presenting the employee's case or attending only to accompany the employee. The representative cannot answer questions on an employee's behalf.
- Clarify that if the employee is not accompanied, that they understand their right to be represented/accompanied.
- Explain how the rest of the hearing will run.
- Both parties will have the opportunity to present their cases, produce supporting documentary evidence and call any witnesses (names of witnesses will be provided in advance).
- All attendees will be present throughout the meeting (except during the adjournment when it will only be the HR representative and the chair).
- Witnesses will be called as and when required.
- Verbatim minutes of the meeting are not taken, the chair will produce a summary of the meeting, but parties are responsible for their own notes. The chair will share a note of the hearing with all relevant parties involved.

## How the hearing will run

- Anyone can ask for an adjournment at any time.
- The employee (or their representative) will put forward the basis of their grievance and their proposed resolutions.
- The chair/panel can then ask questions.
- The other party will then put forward their case. The chair can then ask questions. The employee/rep can also ask questions.
- The employee/rep will then sum up their case. The other party will then sum up their case.
- Adjournment (HR rep and chair stay).
- The chair can ask the employee or the other party back into the meeting if any clarification is needed. If this is the case both parties will be called back to hear what is said.
- The chair will reconvene the hearing and ask the employee (and their representative) to come back into the hearing so they can advise them verbally of the decision and their right of appeal. The employee will also receive the outcome by letter.
- The chair will inform the employee of the outcome of the grievance investigation which can be one of three outcomes:
  1. grievance is upheld – ie the grievance is substantiated. Recommendation can be to resolve the cause of the grievance, and mediation can be included to facilitate an effective working relationship in the workplace.
  2. grievance is dismissed – there is no case to answer, and mediation can be recommended to make sure there is an effective working relationship in the workplace.
  3. grievance is dismissed but management recommendations made because of information that came to light in the investigation and can include mediation.
- Outline any proposed action and when this will be implemented and by whom, if applicable.
- Confirm that the chair will confirm the decision in writing, with a copy to the representative of the employee of the meeting.
- The letter will also confirm the employee's right to appeal the decision if they remain dissatisfied with the outcome.

If the employee does proceed to the next stage ie Grievance Appeal Stage, the chair will have to present the management case at the grievance appeal hearing. They will use the outcome letter indicated above for this purpose.

If another employee was involved in the grievance the chair will write to them and inform them of the decision taken and any actions proposed that could affect them.

The chair will send written confirmation of the decision to the employee as soon as possible after the hearing but no later than 14 calendar days from the date of the hearing.

If it is not possible to come to decision on the day, the chair will inform the employee and their representative verbally of the likely timescales involved and confirm in writing follow up arrangements as soon as possible.

The chair will ask the employee/representative to confirm that they understand the process outlined above.

**General principles to be followed throughout**

The representative can address the hearing to put forward and sum up the employee's case and can discuss with the employee during the hearing. The representative/companion cannot answer questions on the employee's behalf.

During the hearing, either side can request an adjournment to talk privately and consider the evidence presented or to carry out further investigation where new evidence is introduced. If significant new facts emerge, the Chair considers adjourning the hearing to provide both sides with enough time to investigate these fully and reconvene later.

If a particular witness cannot/is unable to attend, consider proceeding with a written statement.

# Appendix 2 – Grievance notification form

This form is for use when an employee wishes to raise a formal grievance or appeal against the outcome of a grievance in accordance with the SSSC’s Grievance Procedure.

**Name:**

**Designation:**

**Work Location:**

**Contact Number:**

**Name of employee’s representative:**

**Please state fully the nature of the grievance.**

--

**Please state what answer was provided at the informal/previous stage (if applicable) and why you remain dissatisfied.**

--

**Please indicate, in your opinion, how to resolve grievance**

--

**Signature:**



Scottish Social Services Council  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY

Tel: 0345 60 30 891  
Email: [enquiries@sssc.uk.com](mailto:enquiries@sssc.uk.com)  
Web: [www.sssc.uk.com](http://www.sssc.uk.com)

If you would like this document in a different format, for example, in larger print or audio-format, or in another language please contact the SSSC on 0345 60 30 891.

We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

© Scottish Social Services Council 2020