

# Managing Grievances Policy

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## 1. Purpose Statement

- 1.1 As an employer, Aberdeen City Council is committed to providing a positive workplace culture where every employee is clear on the impact that their actions and behaviours have on one another and, ultimately, on the people and place of Aberdeen. Such an approach places both an individual **and** collective responsibility on each employee to ensure that they conduct themselves in a way that is aligned to this culture, in accordance with the Council's Guiding Principles <https://aberdeencitycouncil0365.sharepoint.com/SitePages/Our-Guiding-Principles.aspx>
- 1.2 The Council recognises that, on occasion, an employee may have a concern, problem or complaint relating to work, working conditions or relationships on an individual or collective basis which they wish to raise. The Managing Grievances policy provides a framework within which employees can raise such matters in a safe and confidential manner without fear of censure. Managers are supported to make a determination regarding the required actions and recommendations to address the concern, and to provide a reference point which others may learn from and be supported with, to foster a culture of continuous improvement in the quality of working life.
- 1.3 The maintenance of good communication between managers and employees, the provision of constructive feedback and the early raising of concerns on an informal basis, is the preferred approach to addressing work-related issues, in line with the Council's culture and Guiding Principles.
- 1.4 The purpose of this policy is to set out the responsibilities and arrangements to allow the Council to mitigate risks which may arise from such concerns, problems, or complaints if these were not addressed. It provides a framework with an accompanying procedure to ensure that matters are addressed without unreasonable delay and in a fair and consistent way, where informal steps have failed to achieve the required outcome.
- 1.5 All employees are valued, and individual circumstances are considered. The policy therefore aims to support issues to be addressed in the most appropriate way, based on the circumstances surrounding the case, and the individuals concerned, as quickly as possible. Wherever feasible, this will be through informal resolution with the provision of support. The health and wellbeing of all employees is a priority. At the outset of any process falling within this policy, employees will be provided with details of the wellbeing support available to them, including the Employee Assistance Service and Chaplaincy. Further details can be found in the accompanying Managing Grievances Procedure and Guidance.
- 1.6 An overview of the Managing Grievances procedure can be found in Appendix A and definitions of terms in this policy are shown under section 6 below.

## 2. Application and Scope Statement

- 2.1 This policy applies to all employees of the Council; a separate policy applies to the Chief Executive, as set out in the Scottish Joint Negotiating Committee Scheme of Salaries and Conditions of Service for Chief Officials.

In cases where the policy is applied to employees under the Scottish Negotiating Committee for Teachers (SNCT) terms and conditions of employment, the provisions of Appendix 2.13 of the

SNCT Terms and Conditions of Employment, Grievance Framework, will apply. These provisions can be accessed via the following link [Appendix 2.13 – SNCT Handbook](#)

2.2 This policy does not apply to agency and casual workers. Agency workers should raise concerns through their individual agency under their own processes. Casual workers should refer to their terms of engagement letter.

2.3 The policy applies to both individual and collective grievances and the same procedural stages should be utilised for both. Where there are two or more employees who share a common grievance arising from the same circumstances, they shall be entitled to pursue their grievance in common by means of this policy.

2.4 All investigations will be carried out with sensitivity, discretion and confidentiality with formal investigations undertaken in accordance with the investigation's procedure mentioned under 4.2 below.

2.5 In using this policy, focused support will be provided for those whose first language is not English, who have difficulty expressing themselves or for people with a disability.

2.6 This policy and accompanying procedure are in accordance with the ACAS Statutory Code of Practice for grievance procedures.

2.7 For concerns where specific provision is made within another policy or procedure to address them, these will be dealt with under that policy or procedure. The employee cannot choose under which procedure their concern should be dealt with – this is solely determined by the nature of the concern. This may include issues involving:

- any matter relating to the outcome of the grading of an employee's job under the terms of the Job Evaluation Scheme or SNCT Job Sizing for Teaching Staff, which would be examined in accordance with the appropriate job evaluation process. Where the concern relates to the application of the scheme and/or process followed, the grievance procedure can be applied.
- any matter relating to the remuneration of an employee's job where the procedure for determining that level of reward and remuneration has been applied in a consistent and equitable manner, which again would be examined in accordance with the appropriate job evaluation process.
- any matter directly arising from the application of the disciplinary procedure (either at the investigation or disciplinary hearing stage) or the procedure for managing and supporting work performance. The employee involved will have the opportunity to raise any related concerns they may have at the appropriate stage in these procedures.
- any matter that is more appropriately dealt with under the Dignity and Respect at Work Policy and accompanying procedure (i.e. bullying, harassment, discrimination, victimisation or abuse).
- any matter that is more appropriately dealt with under the Whistleblowing procedures.

- administration of the pension regulations. A grievance could only be raised in relation to the way in which the regulations have been administered but not the substance of the regulations as these are a matter for the appropriate pension fund.
- administration of income tax or N.I. regulations. A grievance could only be raised in relation to the way in which the regulations have been administered but not the substance of the regulations as these are a matter for the Government.

### 3. Responsibilities

3.1 The Council will adhere to all its statutory responsibilities in relation to the provisions of this policy.

3.2 Everyone has a responsibility to work effectively and co-operatively to finding solutions. It is necessary to listen, seek to understand, and act accordingly, being open to learning from mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

3.3 Chief Officers are responsible for the application of this policy and accompanying guidance within their service delivery remit.

3.4 Line Managers have responsibility for applying this policy, its provisions and those of the accompanying Procedure and Guidance, and for managing grievances raised by their employees. Line Managers should:

- Ensure fair and consistent decision-making in relation to the application of this policy
- Maintain confidentiality
- Uphold the Council's Guiding Principles by creating an environment where concerns are raised and addressed informally, where possible
- Ensure that employees are treated with dignity and respect at all times
- Ensure that employees are aware of this policy and feel able to raise their concerns in accordance with the procedure

3.5 Employees have a responsibility to:

- Familiarise themselves with the contents of this policy and accompanying procedure
- Co-operate with the requirements of this policy
- Raise their concerns early and informally where possible with the appropriate manager and act in accordance with the Council's culture and Guiding Principles
- Outline the resolution they seek to their grievance; this must be reasonable, achievable and within the powers of the Council to grant
- Maintain confidentiality

3.6 People and Organisational Development are responsible for providing advice to managers and employees on the application of this policy.

3.7 The Chairperson of the grievance hearing is responsible for determining the outcome and whether a grievance should be upheld or not and the appropriate means to resolve (with further details under 5.7 below).

3.8 Where a formal investigation is commissioned, the Investigating Officer is responsible for conducting a thorough investigation and making recommendations based on the evidence gathered in accordance with this policy and its accompanying procedure and guidance.

3.9 Non-compliance with this policy should be reported to the employee's line manager, senior manager or People and Organisational Development to allow the appropriate next steps to be determined.

3.10 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer– People and Organisational Development or Employee Relations and Wellbeing Manager and this will be taken into account as part of the regular review of this policy.

## 4. Supporting Procedures and Documentation

4.1 Accompanying guidance on Managing Grievances has been put in place to support adherence to this policy. The procedure for raising and dealing with grievance matters is detailed in this document.

4.2 This policy also links to other documents, including:

- Dignity and Respect at Work policy and procedure
- Whistleblowing policy and procedure
- Investigations Procedure
- Framework Agreement for Industrial Relations (FAIR)
- Managing Discipline policy and procedure
- Managing Diversity and Equality Policy
- The Council's Guiding Principles
- Diversity and Equality Policy
- Employee Code of Conduct
- Corporate Information Policy and Handbook of Supporting Procedures

## 5. Policy Statement/s

5.1 This policy is not creating any specific regulations or requirements other than what is stated under section 3 above.

5.2 Any grievances raised will be addressed by applying the principles of this policy and the guidance document associated with it. This is to ensure that the appropriate steps are taken to consider whether there are sufficient and reasonable grounds to uphold a grievance, and where so, appropriate action to resolve taken.

### Policy Core Principles

5.3 Informal resolution will be considered in the first instance to resolve grievances raised and address these at the lowest level possible within the organisation. The formal stage of the

procedure may apply in situations where informal resolution has been unsuccessful, and where the employee feels it is more appropriate in the circumstances to raise the matter at the formal stage in the first instance

- 5.4 At all stages of the procedure the employee who raised the grievance will have the right to be accompanied by a trade union representative, or work colleague. The employee will not normally be permitted to be accompanied by a legal practitioner, partner, spouse, or family member.
- 5.5 Status Quo Ante – In the event of a formal grievance being lodged in response to a proposed change to terms and conditions of employment and when practicable, where a grievance has been lodged in response to changes to working practices, or organisational structures, no change shall be made to the relevant terms and conditions of employment until the agreed grievance procedures have been exhausted. A definition is shown under 6.7 below.
- 5.6 Employees will be provided with copies of evidence and relevant witness statements in advance of a grievance meeting, with this information being confidential to the parties within the process.
- 5.7 The chair of the formal grievance hearing will be someone at the same management level or one management level above the person who heard the grievance at the informal stage, and with no prior involvement in the case.
- 5.8 Once the hearing has been held, the chair of the hearing will consider all evidence presented before deciding on whether there are sufficient and reasonable grounds to either:
- Uphold the grievance in full
  - Uphold the grievance in part
  - Not uphold the grievance
- 5.9 Employees will receive a written outcome of their grievance at all stages of the procedure, and where relevant and appropriate, the recommendations and actions to be taken to resolve the matter detailed.
- 5.10 Employees have the right to appeal against the outcome of the formal grievance hearing.
- 5.11 An appeal will not be heard by the same person who chaired the formal hearing.
- 5.12 All matters will be dealt with promptly and in confidence.
- 5.13 Where a counter grievance is raised during a grievance process, and the cases are related, the counter grievance will normally be considered in parallel to the existing grievance. People and Organisational Development will advise to ensure this is managed appropriately.
- 5.14 On the conclusion of a grievance all reasonable measures will be taken by management to ensure the continuance of positive working relationships between the parties of the case regardless of its outcome, in accordance with the culture and Guiding Principles of the organisation.
- 5.15 Where a grievance has been raised by an employee under the formal stages of the procedure, but these stages have not concluded by the time their employment with the Council ends, their grievance will continue to be dealt with in accordance with the formal stages of the accompanying procedure.

## 6. Definitions

- 6.1 A grievance is defined as a concern, problem, or complaint that an employee has in relation to work, the working environment or working relationships that they can raise with their employer to be addressed.
- 6.2 A collective grievance is where two or more employees share a common concern, problem or complaint arising from the same circumstances and wish for their grievance to be heard together as one. Where there is a number of employees forming a group, it may be beneficial for a spokesperson to be appointed to represent the views of the group.
- 6.3 A dispute differs from a collective grievance in that it can only exist between the Council and an independent trade union recognised by the Council under the Framework Agreement for Industrial Relations (FAIR Agreement) and where the matter is identified as a 'trade dispute' as defined within the Trade Union and Labour Relations (Consolidation) Act 1992. The FAIR Agreement is used to address disputes and can be found under the link [https://peopleanytime.aberdeencity.gov.uk/wp-content/uploads/2018/01/EMP\\_IR\\_Framework\\_Agreement\\_Industrial\\_Relations.pdf](https://peopleanytime.aberdeencity.gov.uk/wp-content/uploads/2018/01/EMP_IR_Framework_Agreement_Industrial_Relations.pdf)
- 6.4 Discrimination is defined as treating someone less favorably than another because of a protected characteristic under the Equality Act 2010.
- 6.5 Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, criticize unfairly, or injure the recipient. Such behaviour should be managed under the Dignity and Respect at Work Policy.
- 6.6 Harassment is defined as unwanted conduct related to a relevant protected characteristic (under the Equality Act 2010), or on other grounds, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Such behaviour should be managed under the Dignity and Respect at Work Policy.
- 6.7 For the purposes of this policy, "employee" is defined as anyone who is subject to a contract of employment with Aberdeen City Council and who falls within scope of this policy, as defined in section 2.
- 6.8 The chairperson is defined as the manager appointed to chair the hearing at the formal stage and who may instruct a formal investigation in consultation with the Employee Relations and Wellbeing Team.
- 6.9 Status Quo Ante – means the situation that existed previously, prior to a given event.

## 7. Risk

- 7.1 This policy and supporting documentation detail how the Council implements its risk management activities at all levels, to accept, reduce and/or eliminate risks across the Council arising from non-compliance with the managing grievances framework set out in paragraph 1.2.

- Health and Wellbeing – the policy puts a priority on the health and wellbeing of employees by giving them a clear route to follow to raise a work-related concern, where open dialogue and feedback are encouraged to seek early resolution of issues, mitigating the risk of any adverse impact on health or wellbeing.
- Compliance and Financial – it aims to ensure a fair and legal process is followed to mitigate the impact of failing to comply with employment law and the ACAS codes, incurring financial awards (e.g. award of expenses). The policy and supporting procedure and guidance should ensure that all grievances raised by employees are examined and responded to.
- Strategic and Operational – the policy mitigates the risk of actions that are not consistent with the culture of the organisation and of concerns being allowed to escalate. The impact of such risk can impact on the ability of the organisation to deliver the day-to-day business and the attainment of strategic objectives.
- Reputational - actions that are inconsistent with the culture of the organisation and failure to address employee concerns could have a negative impact on the reputation of the Council.

7.2 The Managing Grievances Policy and supporting documentation allow managers to identify and manage risks through effective mitigation controls, including monitoring of data through the People Performance Dashboard and, where appropriate, inclusion in operational risk registers.

7.3 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy. This will continue to be monitored as the policy is applied.

## 8. Policy Performance

8.1 The main factors determining the effectiveness of the policy and whether it adds the value intended are: the usage of the informal part of the policy by employees to address concerns at work and a reduction in formal grievances, the consistency in its application by managers and the satisfactory resolution of concerns for all parties involved at the lowest level.

8.2 The effectiveness of the policy will be measured through gathering data on the volume of formal grievance submissions and their outcome, and through collecting feedback from users of the policy.

8.3 The Chief Officer – People and Organisational Development will decide where and when data is reported on the effectiveness of the policy as per the agreed Performance Board terms of reference, ensuring that confidentiality is maintained. The data will also be considered as part of the policy review process.

## 9. Design and Delivery

9.1 The policy links to the 'Workforce Design' principle of the Operating Model of the Council in that it is concerned with organisational culture and promotion of equality in the workplace. The policy and procedure are designed so that their application helps to ensure alignment with this principle. It also links to the Council's Guiding Principles of valuing and supporting staff. The policy supports compliance with statutory obligations, employment legislation and best practice including the ACAS code of practice.

9.2 This policy also links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the city are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having an effective policy and procedure in place for employees will help to contribute to this objective, providing a clear mechanism and supportive provisions for complaints and concerns to be raised and addressed.

## 10. Housekeeping and Maintenance

10.1 This is an update to the Managing Grievances Policy and Procedure. The policy will be reviewed annually, and any necessary updates to it and the accompanying guidance document will be proposed.

## 11. Communication and Distribution

11.1 This policy and supporting documentation will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with responsibilities set out in section 3.

11.2 The policy and documentation will be available for review on the organisation's shared areas on the intranet.

11.3 A communication plan has been established to assist with embedding the policy into the organisation, which includes training for managers.

## 12. Information Management

12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures. Management requirements in relation to record keeping are covered in the accompanying guidance to this policy.

## Appendix A – Overview of Managing Grievances Procedure

Submitting an Informal Grievance	<ul style="list-style-type: none"><li>• The employee tells their manager (or other appropriate manager):</li><li>• What their grievance is - i.e. the matter in relation to work, working conditions or relationships that is causing concern</li><li>• Any relevant information including dates, times, witnesses, documents</li><li>• Any steps taken already to try to resolve the grievance</li></ul>
Informal Resolution	<ul style="list-style-type: none"><li>• The manager and employee will discuss the grievance in full and identify what the employee's preferred resolution is</li><li>• Together the manager and employee will consider options to resolve</li><li>• The manager may keep a note of discussions and share this with the employee</li><li>• The manager will confirm the agreed actions and outcome to the employee</li></ul>
Submitting a Formal Grievance	<ul style="list-style-type: none"><li>• If informal resolution is unsuccessful or the grievance is more serious, the employee can submit a formal grievance</li><li>• The employee should complete the Written Statement of Grievance Form including details of the resolution they seek, and submit this to their Chief Officer or Service Manager who will appoint a senior officer to chair a formal hearing</li><li>• A formal investigation to gather evidence may be required - if so this will be undertaken in accordance with the Investigations Procedure</li><li>• The status quo will apply during the grievance process - see 6.9</li></ul>
Formal Hearing	<ul style="list-style-type: none"><li>• The Chairperson will contact the employee to arrange a hearing</li><li>• The manager who dealt with the grievance at the informal stage will attend</li><li>• Where a formal investigation has been undertaken, the Investigating Officer will attend to present their report and answer questions</li><li>• The employee will be asked to explain their grievance and how they would like their concern resolved. There will be discussion on the matter(s)</li></ul>
Decision	<ul style="list-style-type: none"><li>• The chairperson will adjourn the hearing to consider all the evidence</li><li>• They will decide whether the grievance is upheld, partially upheld or not upheld and as appropriate the recommendations/actions to be taken</li><li>• The employee will receive the decision in person at a reconvened hearing</li><li>• A letter confirming the decision and the right of appeal will be issued to the employee</li></ul>
Appeal	<ul style="list-style-type: none"><li>• If grounds for dissatisfaction with the formal hearing decision the employee can appeal</li><li>• An appeal should be submitted using the Written Statement of Appeal Form and submitted to the Director who will appoint a chairperson</li><li>• An appeal hearing will be arranged with the employee and the manager who dealt with the grievance at the formal stage. The employee will be asked to explain their reasons for appeal and this will be discussed</li></ul>
Decision	<ul style="list-style-type: none"><li>• The chairperson will adjourn the appeal hearing to consider all the evidence</li><li>• They will decide whether the appeal is upheld, partially upheld or not upheld and any recommendations/actions required</li><li>• The employee will receive the decision in person at a reconvened hearing</li><li>• A letter confirming the decision will be issued</li></ul>

***The employee may be accompanied at all stages of the procedure by a trade union representative or work colleague.***

Appendix A is a description of the Managing Grievances Procedure. For detailed information refer to the Managing Grievance Procedure and Guidance