



Grievance Procedure

The following procedure was agreed by Personnel and Administration Sub-Committee following full consultation with the Trade Unions and is effective from 9th June 1994.

An employee wishing to submit a grievance should do so in accordance with this procedure either by letter or use of the standard Grievance Statement Form (Appendix 3).

Introduction

In the course of the normal employee/manager relationship, employees may raise problems or complaints that are dealt with informally at source.

The purpose of this procedure is to establish a formal arrangement under which individual employees or groups of employees who feel aggrieved about a matter relating to their employment, which they have tried to resolve informally with their manager without success, can register that grievance. The aim of the procedure is for grievances to be heard and determined promptly and fairly and as close as possible to the point of origin.

The procedure will apply to all employees except those who are employed in educational establishments which have fully delegated budgets under the Education Reform Act or those who come within the purview of the Education Committee for whom separate procedures exist.

Former employees of the Council will not have access to the procedure after their employment has terminated except where a formal grievance was raised prior to termination which has not been exhausted under this procedure.

The procedure will not apply to complaints or grievances which:

- (i) Have not normally been initiated within three months of the relevant decision/event occurring
- (ii) Are in connection with matters which are covered by local or national Appeals or Complaints Procedures
- (iii) Concern matters within the purview of the Local Disciplinary Procedure
- (iv) Are collective disputes which may be raised and dealt with in accordance with the agreed joint consultative machinery
- (v) Are against a Member decision relating to an individual case
- (vi) Are against a Councillor (for which a separate grievance procedure exists - see Section 7.2).

Responsibility for clarification and interpretation of this procedure in individual cases of grievance lies with the Director of Human Resources and Customer Services.

Procedure

General

1. The employee has the right to be accompanied by a *representative of their choice and call witnesses at any stage in the procedure. A manager or Chief Officer who is hearing a case may consult other officers of the Authority, be accompanied by an independent professional advisor (for example, HR Consultant or other advisor).
2. A manager or Chief Officer may consult the Director of Human Resources and Customer Services on the substance of the grievance. The Director of Human Resources and Customer Services will advise the Manager or Chief Officer of any relevant information which may affect his/her decision in relation to the grievance.

***Note:**

The term "representative" shall be defined as a friend, a colleague, trade union representative, trade union official or other person of the employee's choice.

3. All time limits within this procedure shall be capable of modification by agreement according to the circumstances. Such agreement shall not be unreasonably withheld by either side.
4. Any reference in the procedure to manager is defined as the employee's immediate supervisor/manager. However, this will not preclude the grievance being heard by another supervisor/manager where this is deemed appropriate.
5. Any reference in the procedure to Chief Executive, Chief Officer and Director of Human Resources and Customer Services will be construed as relating equally to his/her representative. Where a grievance is heard by a representative of the Chief Executive or Chief Officer, such representative will not be an officer who has heard the grievance at an earlier stage in this procedure and shall normally be in a senior position to the employee raising the grievance.
6. In normal circumstances a grievance will be submitted, in the first instance, to the employee's manager. However, in circumstances where the grievance is against the manager the employee should refer the matter directly to his/her Chief Officer for hearing as a second stage grievance. Similarly, where a grievance is against a Chief Officer, the employee should submit the grievance in writing to the Chief Executive who will hear the matter.
7. After each stage the employee will be told of his/her right of appeal and how to exercise that right.

First stage

8. Where an employee has a grievance relating to his/her employment and/or related conditions he/she should submit the grievance in writing, within three months of the relevant decision/event occurring, by letter or use of the standard grievance form to his/her manager. The employee should state the nature of the grievance and include all relevant information, make it clear that this is a formal grievance and where possible specify the remedy sought. The employee should keep a copy of the grievance submission.
9. The manager will normally hold a meeting with the employee and where appropriate, any other parties involved within seven calendar days of receipt of the grievance and will reply to the grievance in writing as soon as possible and in any event within seven calendar days of the date of the meeting.

Second Stage

10. If the employee is dissatisfied with the reply, he/she may pursue the matter by submitting the original grievance in writing to his/her Chief Officer. The grievance must be submitted to the Chief Officer within fourteen calendar days of receipt of the written response from the manager. The letter notifying the grievance should specify the grievance and where possible the remedy sought, include all relevant information and documentary evidence and be accompanied by a copy of the manager's response to the grievance at the first stage together with an indication of why the employee considers it to be unsatisfactory. The employee may also submit any additional information to support his/her case. In this event the Chief Officer will circulate the additional information to the manager before convening a meeting of the parties.
11. The Chief Officer will convene a meeting of the parties involved within 14 calendar days of receipt of the letter notifying him/her of the grievance. The employee must supply the Chief Officer with names of any witnesses he/she proposes to call in support of the grievance. The employee will be informed before the meeting of any witnesses to be called by the Manager.
12. The procedure to be followed at the meeting is detailed in Appendix 1.
13. The Chief Officer will reply to the grievance in writing within seven calendar days of the meeting. The Chief Officer's letter will contain a brief summary of the hearing and give reasons for the decision reached.

Third Stage

14. If the employee remains dissatisfied and wishes to pursue the matter further he/she must write to the Chief Officer within fourteen calendar days of receipt of his/her response and ask for the grievance to be heard by a Panel of Council Members. The employee will provide the Chief Officer with details of the grievance including his/her reasons for dissatisfaction with the responses

received, the remedy sought (where possible) and copies of any documentation relating to the grievance. The employee must also supply the names of any witnesses he/she wishes to call in support of the grievance and any additional information in support of his/her case.

15. The Chief Officer will advise the Director of Human Resources and Customer Services of the employee's request and provide a copy of all the documentation relating to the grievance.
16. The Director of Human Resources and Customer Services will arrange for the Panel to be convened. The Panel will normally be convened within two months of the employee's request unless extreme circumstances prevent this. The employee will be notified of the date of the panel as soon as possible and in any case given at least fourteen calendar days notice, in writing, of the date, time and place of the hearing. He/she will be advised of his/her right to be accompanied by a representative of his/her choice and to call witnesses if desired. The employee will also be advised that no new witnesses may be called or new evidence presented at the Panel without the agreement of the Panel to its introduction. The employee will be informed before the hearing of any witnesses to be called by the Chief Officer.
17. The procedure to be followed at the hearing is detailed in Appendix 2.

Appendix 1

Procedure to be Adopted at Second Stage Grievance Hearings

Notes

1. Any reference to Chief Officer will be construed as relating equally to his/her representative. Such representative will not be an officer who has heard the grievance at an earlier stage in the procedure.
2. If the Chief Officer exercises his/her right under paragraph 1 of the grievance procedure, to be accompanied during the meeting, such person accompanying the Chief Officer shall remain present throughout to offer independent professional advice and have the right to question any of the parties present at any time.
3. Witnesses will be called to the meeting at the appropriate time and be required to withdraw after giving evidence and answering questions.

Procedure

1. The Chief Officer will introduce the proceedings, explain the procedure to be followed and, if the employee is unaccompanied, will ensure that he/she is aware of the right to be accompanied by a representative of his/her choice. The Chief Officer will also clarify whether there are any witnesses to be called.
2. The employee or his/her representative will submit his/her case in the presence of the Manager and call upon witnesses to give evidence. He/she may also refer to documentary evidence previously submitted in support of the case.
3. The Manager will be given the opportunity to ask questions of the employee and any witnesses called.
4. The Chief Officer may question any witnesses called and ask questions of the employee and his/her representative.
5. The Manager will submit his/her case in the presence of the employee and call upon witnesses to give evidence. The Manager may also refer to documentary evidence previously submitted in support of the case.
6. The employee or his/her representative will be given the opportunity to ask questions of the Manager and any witnesses called.
7. The Chief Officer may question the witnesses and the Manager.
8. The employee or his/her representative and the Manager may sum up their cases if they so wish. Neither the employee nor the Manager will be permitted to introduce any new evidence at this stage.

9. The Manager and employee will withdraw while the Chief Officer considers the case. Any person accompanying the Chief Officer may remain with him/her during this time.
10. The parties will be recalled and notified of the Chief Officer's decision. In certain circumstances, it may be necessary for the decision to be deferred. In this event, the parties will be notified of the need to defer and given some indication of the likely timescale involved.
11. The decision of the Chief Officer or deferral of the decision will be confirmed in writing to both parties within seven calendar days of the meeting. Where appropriate, the employee will be advised of the right to appeal against the decision of the Chief Officer to a Panel of Council Members.

Appendix 2

Procedure to be Adopted at Member Panel Hearings

Notes

1. Human Resources Division set up Members appeals panels where cases progress to this stage. However, it will be the responsibility of departmental officers to present the Council's case to appeals panels, although advice and assistance may still be sought from HR if required.
2. The Director of Human Resources and Customer Services will act as adviser to the Panel in terms of conduct of proceedings and independent professional advice.
3. Neither the employee nor the Chief Officer will be permitted to produce new evidence or call new witnesses unless the Panel agree to its/their introduction. Before the Panel arrives at its decision both sides will be given the opportunity to make representations regarding the production of the new evidence or calling of new witnesses. In the event that the Panel agrees to its/their introduction the other side will be given an opportunity to consider the new evidence before the hearing continues.
4. Each witness will be called before the Panel at the appropriate time during the proceedings and will be required to withdraw after giving evidence and answering questions.

Procedure

1. The Chairman of the Panel will introduce the proceedings, explain the procedure to be followed and, if the employee is unaccompanied, will ensure that he/she is aware of the right to be accompanied by a representative of his/her choice. The Chairman will also clarify whether there are any witnesses to be called.
2. The employee or his/her representative will submit his/her case in the presence of the Chief Officer and call upon witnesses to give evidence. He/she may also refer to documentary evidence previously submitted in support of the case.
3. The Chief Officer will be given the opportunity to ask questions of the employee and any witnesses called.
4. Members of the Panel and the Director of Human Resources and Customer Services may question any witnesses called. If Members of the Panel and the Director of Human Resources and Customer Services deem it appropriate they may also ask questions of the employee and his/her representative at this stage.

5. The Chief Officer will submit his/her case in the presence of the employee and his/her representative and call upon witnesses to give evidence. The Chief Officer may also refer to documentary evidence previously submitted in support of the case.
6. The employee or his/her representative will be given the opportunity to ask questions of the Chief Officer and witnesses.
7. Members of the Panel and the Director of Human Resources and Customer Services may then question the witnesses.
8. Members of the Panel and the Director of Human Resources will be given the opportunity to ask questions of the employee and the Chief Officer.
9. The employee or his/her representative and the Chief Officer may sum up their cases if they so wish. Neither the employee nor the Chief Officer will be permitted to introduce any new evidence at this stage.
10. The Chief Officer and employee will withdraw while the Panel considers the case. The Director of Human Resources and Customer Services will remain to offer independent professional advice only to the Panel.
11. The parties will be recalled and normally notified of the Panel's decision. The decision of the Panel will be confirmed in writing to both parties within seven calendar days, of the hearing.
12. In exceptional circumstances, it may be necessary for the decision to be deferred. In this event, the parties will be notified of the need to defer the reason for the deferral and given some indication of the likely timescale involved.
13. The decision of the Panel will be final except where it is appropriate for an important issue of principle to be pursued through the existing conciliation machinery. Individuals will not be allowed a further appeal through this route.

Appendix 3

Grievance Statement Form

To be completed by an employee when submitting a grievance to his/her manager.
(Please read the procedure before completing this form and keep a copy of your statement for reference).

Name: _____

Job Title: _____

Statement of Grievance (including remedy sought, where possible)

Name of Trade Union or other Representative (if any) whom you will bring to meetings at any stage in the procedure: _____

Signed: _____ Date: _____