

Grievance Policy Guidance Note

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Governance Committee		Date approved	
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Strategic Alignment
Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process	
Stakeholders	Contacts identified for each service
	<i>Joint Trade Unions</i>
Distribution	

Change records

Date	28/02/2019	Author	Employee Relations Team, EmployeeRelationsTeam@northlan.gov.uk
Change made	New format		

Date	19/11/2021	Author	Employee Relations Team, EmployeeRelationsTeam@northlan.gov.uk
Change made	Addition of Privacy Statement reflect requirements of GDPR and Data Protection Act 2018 and update to job titles.		

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1. Introduction

- 1.1 This policy is applicable to all employees, irrespective of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. The policy does not apply to teachers and associated professionals for whom a separate, comparable policy exists.
- 1.2 Grievances are concerns, problems, or complaints that an employee may have relating to their place of work which they may choose to raise with their line manager. Examples of issues that may cause a grievance include: -
 - Terms and conditions of employment
 - Health and safety
 - New working practices
- 1.3 Each stage of the internal grievance procedure must be applied and completed before moving to the next stage.
- 1.4 Employees cannot raise a grievance in relation to the terms of a Collective Agreement. Any issues of clarification or interpretation should be referred to the Head of People & Organisational Development (or relevant Head of Service where local Collective Agreements are concerned).
- 1.5 Employees who wish to request a re-evaluation of their post cannot do so under the Grievance Policy. Such matters should be submitted via the Procedure for the Re-evaluation of posts.
- 1.6 Formal complaints of harassment, bullying, victimisation, or discrimination must be raised through the Dignity at Work Policy. The Grievance Policy is not the appropriate mechanism for raising such complaints. If an employee is dissatisfied with the outcome of the investigation of their complaint, they cannot then raise a grievance about the same complaint through the Grievance Policy. As the matter has already been raised and concluded through the appropriate Policy, the same complaint cannot be pursued through a different Policy.
- 1.7 This Guidance Note contains further explanation for line managers and employees on the grievance process, which aims to resolve grievances fairly, consistently, and promptly. Timescales for setting meetings, making decisions, or confirming decisions should not unreasonably be delayed, unless in exceptional circumstances. If there is a delay, the employee should be kept informed of progress.

2. Stage 1 Grievance

- 2.1 Completion of Form G1 (Appendix 1) may be used as a record of Stage 1. There is no requirement for an employee to complete this form, but it may be used by an employee as an aid to discussions with their line manager. This will outline their grievance and the resolution they are seeking. Completed Form G1 will be presented to the line manager for subsequent discussion of the grievance outlined.
- 2.2 The line manager will agree a suitable date to discuss the grievance with the employee. An ER Advisor may be in attendance during these discussions.
- 2.3 The employee will have the right to be represented or accompanied at the Stage 1 grievance hearing.
- 2.4 As this is the initial step in the grievance process, the employee must clearly state to their line manager during discussions, what their grievance is and what remedial action they are seeking. By talking about remedial action, this will assist with achieving a resolution at the earliest stage.
- 2.5 A verbal response will be provided to the employee within two working days of the hearing. If there is a delay with this timescale, the employee should be advised of the reason for the delay and kept informed of progress. At the same time as the verbal response is provided, the line manager will inform the employee of the procedure to be followed to progress to the next stage of the grievance process should the employee remain aggrieved.
- 2.6 Stage 1 of the grievance procedure must be completed before moving on to Stage 2.

3. Stage 2 Grievance

- 3.1 An employee can only continue to be aggrieved at Stage 2 with areas not upheld at Stage 1 or where the resolution proposed in respect of grievances that are upheld in part is not considered to satisfactorily resolve the grievance.
- 3.2 If the employee remains aggrieved following the outcome of Stage 1, the employee can appeal the outcome by submitting a Stage 2 grievance in writing to the relevant Head of Service/Executive Director within 14 days of the outcome of Stage 1.
- 3.3 The grievance appeal may be raised by completing Form G2 (Appendix 2) or by submitting a letter to their Head of Service/Executive Director. The employee must inform the Executive Director of the basis for the grievance along with details of the remedial action being sought.

- 3.4 The information contained within Form G2 / letter will form the basis of discussions at the grievance hearing which the nominated senior officer will have with the employee
- 3.5 A grievance hearing will be arranged, but need not take place, within five working days of receipt of the Stage 2 grievance.
- 3.6 The employee will have the right to be represented or accompanied at the Stage 2 grievance hearing.
- 3.7 The Stage 2 grievance will be heard by a senior officer nominated by the Executive Director. An ER Advisor will also be in attendance
- 3.8 The employee will be given a written response to the Stage 2 grievance within five working days of the hearing.

4. Stage 3 Grievance

- 4.1 This is the final stage of the grievance process. If the employee remains dissatisfied following the outcome of the Stage 2 grievance hearing, the employee can appeal the outcome by submitting a Stage 3 grievance, in writing, to the Head of People & Organisational Development.
- 4.2 The grievance appeal may be raised by completing Form G3 (Appendix 3) or by submitting a letter. The employee must inform the Head of People & Organisational Development of the basis for the grievance along with details of the remedial action being sought, asking that this be referred to the Policy and Resources (Human Resources Appeals) Sub Committee for consideration.
- 4.3 The Head of People & Organisational Development, or nominated senior ER Officer, will consider the remedy sought by the appellant in Form G3 to ensure that the desired solution can be considered within the remit of the decision making powers of the Sub-Committee.
- 4.4 The employee will have the right to be represented or accompanied at the Stage 3 grievance hearing.
- 4.5 The Committee Appeals procedure to be followed for a Stage 3 grievance is attached as Appendix 4.

5. Privacy Statement

North Lanarkshire Council is committed to protecting the privacy and security of your personal information. Managers must ensure that personal information obtained as part of the grievance process is held in the strictest confidence and processed in accordance with the General Data Protection Regulations and the Data Protection Act 2018.

Employees are also advised that any information you provide during the grievance process, including any information in the grievance forms attached to this guidance, will be treated in the strictest confidence. However, you should be aware that this information may be shared with other council officers as part of the grievance process. This will be done in accordance with the regulations and legislation referenced above.

For further information on please see the Councils [Employee Privacy Statement](#) and [Data Protection Policy](#).

GRIEVANCE NOTIFICATION – Stage 1**FORM G1**

For completion by employee raising the grievance, as an aid to discussion with line manager.

Employee Name		Employee No.	
Job Title		Location	
Service and Division	e.g., Enterprise & Communities/Regulatory Services & Waste Solutions		
Line Manager Name			
Line Manager Job Title			
Date of Submission			

I wish the following to be considered as a Stage 1 Grievance – (please note that a hearing will not take place unless the basis for the grievance and the remedial action sought is provided)

Grievance Category: (please select relevant category)

Terms & Conditions

Recruitment

Application of Policy

Workforce Change

Health & Safety

Working Practices

Other – Please provide some detail here

Reason/Reasons for Grievance: (please detail the reason/reasons for your grievance)

Supporting Evidence: (please detail any supporting evidence and include with this form)

The resolution I seek to my grievance is: (please provide an outline of the outcome you would like to your grievance)

Please see Section 5 of the Grievance Policy - Guidance Note regarding the handling of the information you provide in this form.



GRIEVANCE APPEAL – Stage 2

Please note that your Stage 2 grievance can only be submitted once Stage 1 has been completed.

FORM G2

To be completed by employee raising the grievance and submitted to your Head of Service/Executive Director.

Employee Name		Employee No.	
Job Title		Location	
Service and Division	e.g., Enterprise & Communities/Regulatory Services & Waste Solutions		
Line Manager Name			
Line Manager Job Title			

What date did you raise a Stage 1 grievance?	
What date did you receive the outcome to the Stage 1 grievance?	
What was the outcome of the Stage 1 grievance? (If you received an outcome in writing please attach to this form)	Not upheld Upheld in part
Please give details of outcome (i.e., not upheld because / upheld in part because)-	

I wish the following to be considered as a Stage 2 grievance – (please note that a hearing will not take place unless the basis for the grievance and the remedial action sought is provided)

Grounds for Stage 2: Appeal (please detail the grounds for your appeal)

The resolution I seek to my grievance appeal is: (please provide an outline of the outcome you would like to your grievance)

Please see Section 5 of the Grievance Policy - Guidance Note regarding the handling of the information you provide in this form.



GRIEVANCE APPEAL - Stage 3

Please note that your Stage 3 grievance cannot be considered until Stages 1 and 2 have been completed.

FORM G3

To be completed by employee raising the grievance and submitted to Head of People & Organisational Development

Employee Name		Employee No.	
Job Title		Location	
Service and Division	e.g., Enterprise & Communities/Regulatory Services & Waste Solutions		
Line Manager Name			
Line Manager Job Title			

What date did you raise a Stage 2 grievance?	
What date did you receive the outcome to the Stage 2 grievance?	
What was the outcome of the Stage 2 grievance? (Please attach the Stage 2 outcome letter you received to this form)	<p>Not upheld</p> <p>Upheld in part</p>
Give details (i.e., not upheld because / upheld in part because)-	

I wish to proceed to the final stage of the grievance procedure, Stage 3 grievance appeal.

Grounds for Stage 2: Appeal (please detail the grounds for your appeal):

The resolution I seek to my grievance appeal is: (please provide an outline of the outcome you would like to your grievance)

Please see Section 5 of the Grievance Policy - Guidance Note regarding the handling of the information you provide in this form.

Procedure for Consideration of Committee Appeals

- 1 The appellant's representative, or appellant when not represented, shall put the appellant's case in the presence of the Council's representative(s).
- 2 The Council's representative shall have the opportunity to ask questions of the appellant's representatives, or appellant when not represented, and of any witnesses called by the appellant's representative, or appellant when not represented.
- 3 The Appeals Committee shall have the opportunity to ask questions of the appellant and/or the appellant's representative, and of any witnesses.
- 4 The Council's representative shall put the authority's case in the presence of the appellant's representative, or appellant when not represented.
- 5 The appellant's representative, or appellant when not represented, shall have the opportunity to ask questions of the Council's representative and of any witnesses called by the Council.
- 6 The Appeals Committee shall have the opportunity to ask questions of the Council's representative(s), and of any witnesses.
- 7 The Council's representative and thereafter the appellant's representative, or appellant when not represented, shall have the opportunity if they so wish to sum up their case, introducing no new material.
- 8 The Council's representative(s) and the appellant (if present), and the appellant's representative and any witnesses shall then withdraw.
- 9 The Appeals Committee, together with the officer(s) appointed to assist the Committee, shall deliberate in private, only recalling the Council's representative(s) and the appellant (if present) and the appellant's representative, to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.
- 10 If practicable, the Appeals Committee shall announce its decision to the Council's representative(s) and the appellant (if present) and the appellant's representative, at the conclusion of the meeting. In any event, the decision shall be confirmed in writing to the appellant's representative or appellant when not represented, by the officer appointed as a secretary to the Committee, within ten days.

- 11 The decision of the appeals Committee shall be given in the format of one of the following standard statements, as appropriate: -
- "that the grounds of the appeal have been substantiated and the appeal be upheld".
 - "that the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that"
 - "that the grounds of the appeal have not been substantiated and the appeal be not upheld".
- 12 Grievances shall end at Committee level.