

GRIEVANCE POLICY

INTRODUCTION

A Grievance Policy is necessary to enable employees to seek redress for complaints relating to their employment where normal management/employee communication has failed to resolve matters. The procedure, once invoked, encourages a rapid resolution of complaints at as early a stage in the procedure as possible.

The policy is applicable should an employee wish to formally complain about a matter which relates to working conditions or the application of a National Agreement or local agreement reached between Tayside Contracts and the trade unions. It does not apply to complaints relating to grading, pension or disciplinary issues.

This policy is in accordance with the 2009 Acas Code of Practice on Disciplinary and Grievance procedures and applies to all Tayside Contracts employees with the exception of the Managing Director who is covered by a separate, albeit similar, procedure.

PRINCIPLES

- The Grievance Policy is not designed to replace management/employee relationships, but is there to supplement them. Every effort should be made to resolve a grievance or potential grievances using informal mechanisms e.g. discussion with the line manager, or through an informal approach by a trade union representative, before moving to the formal procedure.
- The Grievance Policy is not applicable for complaints in respect of pay and grading or disciplinary issues as separate procedures and avenues of appeal are available to address these matters.
- A representative from HR Services will be present at all formal Hearings convened under the Grievance Policy.
- Employees have the right to be represented or accompanied by a trade union representative or work colleague at all formal Hearings convened under the Grievance Policy. It is the responsibility of the employee to arrange the attendance of their representative. There is no entitlement to be accompanied by any other representative, including family members at the Hearing.
- In accordance with the principles of fairness and natural justice, a different panel will be involved at each stage of the Grievance Procedure.
- Employees will be given the opportunity to call and question witnesses and/or to produce documentary evidence at all formal Hearings convened under the Grievance Policy.
- If an employee feels they cannot discuss their complaint with their immediate supervisor/line manager, for example, if the complaint relates to them, or to harassment of a sexual, racial or other nature, the employee may wish to discuss their complaint with a representative from HR Services.

Procedure

Stage 1 (Informal Grievance)

Before raising a formal grievance an employee must first have endeavoured to address their complaint informally by discussing the matter with their immediate supervisor/line manager. The supervisor/line manager will reply verbally to the employee's complaint within 2 working days of the complaint being raised.

Stage 2 (Formal Grievance)

If the employee is not satisfied with the response given they should, within 7 calendar days, write to the relevant Corporate Management Team member stating, in full, the basis of their complaint and the redress sought.

The CMT member or nominated representative will, within 7 calendar days of receipt of the employee's written complaint, arrange a Grievance Hearing. The purpose of the Hearing is to confirm understanding of the grievance, the redress sought and to consider the complaint.

Should the letter not provide sufficient details regarding the basis of their complaint or the remedy sought, the employee will be provided with a grievance form, issued by HR Services, which they will be required to complete prior to the Hearing being held.

Where practicable this Hearing will be held within 4 weeks of receipt of the written complaint. Where deemed appropriate by the panel of the Hearing, the Hearing may be adjourned to allow further information to be gathered or an investigation to be undertaken. Upon completion of the investigation, the Hearing will be reconvened.

The chairperson of the Hearing may advise the employee of the conclusions reached at the end of the Hearing, but in any event will confirm the outcome in writing within 7 calendar days of the meeting.

Stage 3 (Appeal)

Should an employee continue to be dissatisfied with regard to their original complaint and the outcome of the Hearing at Stage 2 they have the right of appeal to the Managing Director. If an employee wishes to pursue an appeal they should, within 7 calendar days of receipt of the written outcome of Stage 2, write to the Managing Director to indicate that they wish to pursue the matter further. The employee must state the reasons for their continuing dissatisfaction, provide any additional information relevant to the complaint and detail the redress sought.

The Managing Director or nominated representative will, within 7 calendar days of receipt of a letter of appeal, arrange an Appeal Hearing. Where practicable this Hearing will be held within 4 weeks of receipt of the letter of appeal. Where deemed appropriate by the panel of the Appeal Hearing, the Hearing may be adjourned to allow further information to be gathered or an investigation to be undertaken. Upon completion of the investigation, the Appeal Hearing will be reconvened.

The chairperson of the Appeal Hearing may advise the employee of the conclusions reached at the end of the Appeal Hearing, but in any event will confirm the outcome in writing within 7 calendar days of the meeting.

Stage 4 (Appeals Sub-Committee)

Should an employee continue to be dissatisfied with regard to their original complaint and the outcome of the Appeal Hearing at Stage 3 they have the right of appeal to the Appeals Sub-Committee of the Joint Committee. If the employee wishes to pursue a further appeal they should, within 14 calendar days of receipt of the written outcome of Stage 3, write to the Managing Director to indicate that they wish to pursue the matter further. The employee must state the reasons for their continuing dissatisfaction, provide any additional information relevant to the complaint and detail the redress sought.

The employee will at this stage be advised of the procedure to be followed in the Appeals Sub-Committee which will meet to consider the grievance within 10 weeks of receipt of the letter. The letters provided at Stages 2 and 3 of this procedure will form the basis of the submission to the Appeals Sub-Committee to be supplemented, if desired, by a verbal presentation.

The matter shall end at the Appeals Sub-Committee stage unless both parties agree that an important issue of principle arises which should be referred to the appropriate national negotiating body for consideration. In this event, the employee will be advised of the procedure to be followed.

The chairperson of the Appeals Sub-Committee will normally advise of the conclusions reached at the end of the Appeal Hearing but, in any event, will confirm the outcome in writing within 7 calendar days.

Potential Outcomes of Formal Grievance and Appeal Hearings

There are three potential outcomes for complaints submitted under the Grievance Procedure:

1. The grievance is upheld or substantiated and the original decision that prompted the grievance overturned.
2. The grievance is not upheld or substantiated and the original decision that prompted the grievance stands.
3. The grievance is upheld in part or partially substantiated. Some action will be necessary in relation to the original decision, but not all aspects of the grievance were found to be upheld.

Where a grievance is upheld, or upheld in part, a judgement regarding the appropriateness and availability of redress will be determined by the panel of the Hearing.

Overlapping Grievance and Disciplinary Cases

Should an employee raise a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. However, if the grievance is related to the disciplinary case it may be appropriate to deal with both issues concurrently.

Collective Grievances

Grievances raised on behalf of two or more employees by a representative of a recognised trade union will be addressed by the HR Manager via the full time official of the relevant trade union.

Policy Review

The Grievance Policy will be reviewed annually.

Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or employment.policies@tayside-contracts.co.uk