



ABERDEEN
CITY COUNCIL

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**MANAGING
GRIEVANCES**

POLICY & PROCEDURE

*Approved by the Resources Management Committee on 12 April
2005 (updated June 2016)*

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SECTION 1: POLICY STATEMENT

Introduction

The Council recognises that a grievance procedure must be provided whereby employees who have problems or concerns about their work, working conditions or relationships can raise their concerns with management without fear of censure

The Council similarly recognises that any grievance, whether from an individual or a group, must be dealt with speedily, fairly and equitably, as near to the point of origin as possible, within agreed time limits and using the same procedure

Until all stages of the grievance procedure have been exhausted, there shall be no departure from normal working arrangements by either party

Scope

This procedure applies to all employees of Aberdeen City Council, regardless of status

This procedure is limited to an individual employee raising an individual grievance regarding his or her own employment. It does not cover a collective grievance, which if not resolved would form the basis of a dispute, which may be brought by a trade union on behalf of a group of members. This should be brought through the Council's Dispute Resolution Procedure (Element 4 of the Framework Agreement for Industrial Relations)

Former employees who wish to raise a grievance once they have left their employment with Aberdeen City Council do not have access to this procedure. They must set out in writing their grievance and the basis for it. An appropriate senior manager must then set out a response in writing. There is no requirement to have a hearing and the individual has no right of appeal

Core principles

- grievances will be dealt with promptly and confidentially
- both employees and management must be committed to finding a fair and speedy resolution to grievances in order to maintain effective and harmonious working relationships
- every reasonable effort should be made to resolve grievances informally between the employee and his/her line manager
- the aim is to settle grievances at as low a level as possible
- every employee should be made aware of the existence of the grievance procedure and how to access it
- throughout the procedure, special allowances should be made for those employees whose first language is not English or who have difficulty expressing themselves. The same applies to employees with a disability
- the employee has the right to be accompanied by a trade union representative or work colleague of their choice at each stage of the **formal** procedure. The employee will not however be permitted to be accompanied by a legal practitioner, partner or spouse
- a confidential record should be kept of proceedings and the outcome

SECTION 2: THE GRIEVANCE PROCEDURE

Informal stage

Before progressing to the formal stage of the procedure, the employee must attempt to resolve matters informally by discussing their grievance with their line manager (or by approaching a more senior officer within their Service if the grievance is against the line manager)

If the manager is unable to discuss the grievance when approached then they should arrange to meet with the employee **within 5 working days** of being notified that the employee has a problem or concern that they wish to talk about with management

After hearing the grievance, the manager concerned should respond **within 5 working days** of the discussion with the employee

Only where attempts to resolve the grievance informally have been unsuccessful can the grievance be dealt with under the formal stage of the grievance procedure

Formal stage

The formal stage comprises **three** critical steps:

STEP 1: statement of grievance

- the employee must inform their Head of Service of their grievance in writing and set out in that letter the grounds for the grievance and the remedy they seek
- the employee should submit this letter within 5 working days of receiving the manager's response at the informal stage

STEP 2: response

- the employee must be invited to a meeting to discuss the grievance where they will have a right to be accompanied
- this meeting should take place within 10 working days of receipt of the statement of grievance
- the employee must take all reasonable steps to attend the meeting
- either the Head of Service, or another senior officer nominated by the Head of Service, will chair the hearing
- after the meeting, the employee must be notified both verbally and in writing of the decision, and the reasons for it, within 5 working days

of the hearing. This letter must also notify the employee of their right to appeal where the grievance has not been upheld

STEP 3: appeal

- **the employee must confirm in writing their wish to appeal and set out in that letter the grounds for the appeal**
- **this notice of appeal must be submitted to the employee's Corporate Director within 10 working days of receiving the manager's written response at Step 2**
- **the employee must be invited to attend an appeal hearing where they will have the right to be accompanied**
- **the appeal hearing should take place within 10 working days of receipt of the notice of appeal**
- **the employee must take all reasonable steps to attend the appeal hearing**
- **the Corporate Director will normally hear the appeal**
- **after the appeal hearing, the employee must be notified both verbally and in writing of the final decision, and the reasons for it, within 5 working days of the hearing**

Non-competent grievances

Employees are not permitted to raise a grievance about the following:

- any matter relating to the grading of an employee's job on the basis that such matters must be raised through the separate procedure that exists for appeals against grades attached to jobs
- 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
- 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 bullying and harassment or whistleblowing procedure which has been specifically designed to address issues of this nature (NB the employee cannot

choose under which procedure their complaint should be dealt with – this will solely be determined by the nature of the complaint)

- administration of the pension regulations
- administration of income tax or N.I. regulations
- where the remedy they seek is against the principle of natural justice, fairness and equity (NB in such cases, the Head of Human Resources, taking such advice as necessary, will make a final judgement as to whether the grievance is legitimate or competent)

Other grievances

There may from time to time be other concerns that arise from junior employees against senior employees that do not fit the criteria to be a qualifying disclosure under the Council's Whistleblowing policy but are of a whistleblowing nature. In these limited circumstances the junior employee can, if they wish, report their concern in writing to the Director of Corporate Governance (or other appropriate chief officer) who will arrange for the matter to be investigated and for a response to be given to the complainant.

SECTION 3: REVIEW OF THE PROCEDURE

Human Resources will review this procedure every three years. It will, nevertheless, be subject to continual review and amendment in the light of experience of its operation, employment best practice and statutory requirements. Changes will only be put into effect following the normal consultation arrangements