

The Scottish Ambulance Service



DEALING WITH EMPLOYEE GRIEVANCES

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1.0 POLICY STATEMENT

- 1.1 The Scottish Ambulance Service encourages open and honest communication at all levels. However, it recognises that from time to time employees may wish to raise grievances, problems or complaints.
- 1.2 Employees and managers are encouraged to make every effort to resolve issues at the most local level possible where appropriate before moving to the formal procedure. Matters should be dealt with as they occur and be settled as near to the point of origin as possible and as quickly as it is reasonably practicable. However, it is recognised that a formal procedure is necessary to resolve some grievances quickly, to allow employees to pursue grievances relating to their working conditions without fear of recrimination, and to prevent conflict and maintain employee relations.
- 1.3 Victimisation as a result of an employee raising a grievance or assisting in the investigation of such a grievance will not be tolerated, and will be dealt with under the local policy developed in line with the Scottish Ambulance Service Promoting Dignity policy.

2.0 SCOPE

- 2.1 This policy applies to all directly employed staff, including bank/temporary staff and the Service staff on secondment.

3.0 AIMS AND PRINCIPLES OF POLICY

- 3.1 The aim of this policy is to offer a constructive mechanism for all parties to air their differences and seek to find mutual agreement.
- 3.2 All grievances, problems, complaints and disputes, including collective disputes, concerning matters arising out of employment with the organisation will be dealt with in accordance with the undernoted procedure;
- 3.3 It is the policy of the organisation that an employee(s) will receive a fair hearing concerning any grievance. The spirit and intention of this policy is to promote the best possible relations between all parties;
- 3.4 Throughout the formal and informal stages of the procedure, the employee(s) has the right to be accompanied by a trade union/professional organisation representative or a work colleague. If the staff member wishes alternative representation, such as a family member or friend, this should be discussed with the Head of HR;
- 3.5 Where a particular manager is not available, the matter may be taken forward by a nominated deputy to ensure that the under-noted procedure is followed within reasonable timescales;
- 3.6 Advice on the application of this procedure should be sought from the HR department. A member of the HR department should normally be present at the hearing of all formal grievances.
- 3.7 It is recognised that informal approaches can be an aid to resolving grievances. Therefore, the provisions outlined in this procedure can include informal discussions between management, the employee(s) and their trade union/ professional organisation representatives;

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- 3.8 In order to support early resolution of a grievance, mediation by an independent third party can be sought at any stage of the procedure by the agreement of both parties;
- 3.9 It is recognised that all stages of the procedure may not be applicable to an individual and/or a group of employees, depending on the particular circumstances (for example, where the chain of command is short);
- 3.10 Wherever possible, no person who has previously been involved in any way formally or informally should sit on the grievance appeal panel; and
- 3.11 Employees who have difficulty expressing themselves on paper, or, for example, whose first language is not English, are encouraged to seek help from a work colleague, trade union/professional organisation representative or a representative from the Human Resources (HR) department in setting out their grievance.

4.0 TYPES OF GRIEVANCE

4.1 Individual:

This occurs when one employee raises a grievance, problem or complaint with their employer.

Collective:

Occurs when a group of employees share a grievance.

5.0 PROCEDURE

5.1 Informal approach

- 5.1.1 When an employee(s) feels aggrieved about an issue it should be raised in the first instance with their immediate line manager. The line manager will meet with the employee as soon as possible, and within a reasonable timescale from the date when the grievance was notified. This timescale should take account of the nature and seriousness of the case.
- 5.1.2 Where the grievance lies with the line manager, then the employee has the right to raise the matter informally with the next level of management.
- 5.1.3 If no resolution is achieved from the informal meeting, the employee may choose to initiate the formal procedure. The choice to progress to the formal stage of the process must be notified to the next level of management within a reasonable timescale from the date of the informal meeting.
- 5.1.4 Actions and outcome of this stage of the process should be noted so that details of the episode can be recorded for audit purposes.

5.2 Facilitated meetings/mediation

- 5.2.1 Managers and employees should always seek to resolve grievance issues in the workplace. Where this is not possible informally, both parties should consider the use of an independent third party to help resolve the issue.

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5.2.2 The third party need not come from outside the organisation, though, but could be an internal facilitator/mediator, highly skilled manager or HR professional not involved in the grievance process. However, the need for use of external mediators in the most complex of cases may be agreed between the parties.

5.2.3 Should the parties concerned wish to make use of third party intervention, this should be notified to the Human Resources (HR) department who will be responsible for making appropriate arrangements.

5.3 First formal stage

5.3.1 In the event that the employee(s) remains dissatisfied after informal consideration of the grievance, the matter will be referred to the First Formal Stage. The employee will normally lay out the detail(s) of their grievance in writing using the Grievance Notification Form attached at **Appendix 1**. It should be sent to the individual's line manager who will be responsible for hearing the grievance. On receiving the notification, the relevant manager will arrange a formal grievance hearing within 14 calendar days from the date of receipt of the notification of the grievance.

5.3.2 In the event that an Executive Director or other Board member raises a formal grievance, or a grievance is raised about an Executive Director or Board member, it will normally be heard by two non-executive members of the Board.

5.3.3 Guidance on Conduct at Formal Hearings is given at **Annex A**.

5.3.4 A written reply detailing the manager's decision, the reasons for the decision and the action, if any, the employer intends to take, will be given to the employee(s) within 14 calendar days of the hearing. The letter must inform the employee of their right of appeal and include details of who will hear the next stage of the process.

5.3.5 If an employee decides to progress to the next stage of the process they must do so within 14 calendar days from the date when the outcome of the first formal stage was received.

5.4 Second and final formal stage

5.4.1 In the event that the employee(s) remains dissatisfied after the first formal stage, the matter should be referred to the second and final formal stage. A hearing will be arranged as soon as possible and within 14 calendar days of the notification of the appeal to the next appropriate level of management.

5.4.2 The HR department or designated manager will arrange for all sides to present written statements setting out their views on the grievance. These must be circulated to all parties at least seven calendar days before the hearing.

5.4.3 A written reply detailing the manager's decision, the reasons for the decision and the action, if any, the employer intends to take, will be given to the employee(s) within 14 calendar days of the hearing.

5.4.4 Where appropriate, in line with 5.5, the letter must inform the employee of their right of appeal and include details of who will hear the next stage of the process. Except where the provisions of clause 5.5 apply, however, this represents the end of the internal process.

5.5 Grievances with wider organisational consequences

- 5.5.1 Where the grievance relates to an issue where the outcome might affect more than one individual (examples include: the application of terms and conditions of service, the implementation of a Board-wide policy or matters which could become litigious, or the focus of an industrial dispute) and if the issue cannot be resolved at stage two, then it may be referred to the Director of Human Resources and Organisational Development and the Employee Director. They will be responsible for determining whether the grievance raised has wider organisational consequences beyond the aggrieved party.
- 5.5.2 If agreed as having wider organisational consequences, the Director of Human Resources and Organisational Development will organise a formal hearing, which will normally be heard by one non-executive and one executive member, and other panel membership as appropriate as determined locally, supported by a senior member of the HR department not previously involved.
- 5.5.3 This exhausts the internal process for cases which fall into this category.

6.0 Grievances not concluded at the time of employment terminating

- 6.1 If a grievance has been raised but not concluded by the time the employment terminates, where there are outstanding grounds of appeal, then whatever stage the grievance is at will normally be concluded with a paper review of the position and a written response.
- 6.2 Should a former employee raise a grievance within a reasonable timescale of the employment ending, the matter will be investigated and a response will be given in writing.

7.0 Overlapping grievance and disciplinary cases

- 7.1 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

8.0 Status quo

- 8.1 Status quo is defined as the working arrangements in place prior to the change over which the grievance has been raised.
- 8.2 Wherever possible, the status quo should operate until this procedure has been exhausted. However, the status quo may be set aside where:
 - Continuation of status quo will result in a breach of statutory or other mandatory regulations;
 - Agreement is reached by both parties to do so; or
 - The grievance is about action already agreed or taken through collective agreement.

9.0 Review of policy and procedure

- 9.1 This policy and procedure (s) has been updated as part of continual improvement programme within the Service focusing on ensuring best practice in partnership with managers and staff representatives through a partnership working group. The policy will be formally reviewed on a continuing basis as part of this process, no later than the date on the front cover of this document.

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Appendix 1

**Scottish Ambulance Service
Grievance notification form**

This form gives guidance to an employee(s) in setting out a grievance and may be used with or in place of a letter.

Employees who have difficulty expressing themselves on paper, or, for example, whose first language is not English, are encouraged to seek help from a work colleague, trade union/ professional organisation representative or a representative from the HR department in setting out their grievance.

Use of this form, or a letter, will be used as notification of the Grievance and as a record of subsequent discussion(s) and decision(s) during the stages of the Grievance Procedure.

Name of Employee raising the grievance: _____

Post: _____

Department: _____

Name of employee's representative: _____

Details of grievance being raised: _____

Signed: _____ **Date:** _____

Contact telephone number: _____

On completion, this form should be sent to the relevant member of management who will be responsible for hearing the grievance.

Annex A

Guidance on conduct at formal hearings

The main purpose of a formal hearing is to ensure that all present have a full understanding of the issue so that an impartial decision can be based on facts.

The hearing should adopt as flexible an approach as possible, while adhering to the following principles:

- Both parties must be given the opportunity to present cases orally and call any witnesses. It is the responsibility of individual parties to ensure they make arrangements for the attendance of witnesses;
- The employee or their representative shall state their case in the presence of the management representative and may call witnesses who shall remain present only when they are giving evidence;
- The management representative shall have the opportunity to ask questions of the employee/representative and witnesses;
- The manager hearing the grievance or members of the appeal panel shall have the opportunity to ask questions of the employee/representative and witnesses;
- The management representative shall state their case in the presence of the employee/representative and may call witnesses who shall remain present only when they are giving evidence;
- The employee/representative shall have the opportunity to ask questions of the management representative and witnesses;
- The manager hearing the grievance or members of the appeal panel shall have the opportunity to ask questions of the management representative and witnesses;
- Written evidence not previously circulated and presented before the hearing may only be admitted at the discretion of the manager hearing the grievance or members of the appeal panel;
- The management representative and the employee or their representative shall have the opportunity to sum up their case if they so wish. The employee or their representative shall have the right to speak last, having opportunity to sum up their case if they so wish. In their summing up neither party may introduce any new matter;
- The manager hearing the grievance or members of the appeal panel may, at their discretion, adjourn the appeal in order that further evidence may be produced by either party to the dispute or for any other reason; and
- The manager hearing the grievance or members of the appeal panel shall deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return even if only one party is concerned with the point giving rise to doubt, to ensure that everyone present has a full understanding of the issue.