

Managing Grievances Procedure and Guidance

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TABLE OF CONTENTS

| | Section | Page |
|-----------|--|-------------|
| 1 | Introduction | |
| | Purpose | 4 |
| | Guiding Principles | 4 |
| | What is a grievance? | 5 |
| | What is a collective grievance? | 5 |
| | Grievances about fellow employees | 5 |
| | Links to other Policies | 6 |
| | Right to be accompanied | 6 |
| | Employee Wellbeing | 7 |
| | Keeping records | 8 |
| | | |
| 2 | The Procedure | |
| | The Informal Stage | 9 |
| | The Formal Stage | 12 |
| | | |
| 3 | Appeals | |
| | The Appeals Process | 17 |
| | | |
| | Appendices | |
| 1 | Grievance Procedure Flowchart | |
| 2 | Links to Other Policies | |
| 3 | Grievance Discussion Note Form | |
| 4 | Methods and Tools for Resolving Grievances | |
| 5 | Written Statement of Grievance Form | |
| 6 | Template letter – Notify formal investigation commissioned | |
| 7 | Template letter - Invite to grievance hearing | |
| 8 | How to Conduct a Grievance Hearing Checklist | |
| 9 | Template letter - Grievance hearing decision | |
| 10 | Written Statement of Appeal Form | |
| 11 | Template letter - Invite to appeal hearing | |
| 12 | How to Conduct an Appeal Hearing Checklist | |
| 13 | Template letter - Appeal hearing decision | |

SECTION 1: INTRODUCTION

Purpose

The purpose of this guidance is to provide managers and employees with practical advice on the way that the Managing Grievances policy and procedure applies in the workplace. It sets out the principles for handling grievances, provides details on how to carry out each stage of the procedure and provides advice and assistance on how to effectively manage grievance matters.

The procedure, which applies to all Aberdeen City Council employees (except for the Chief Executive to whom a separate policy and procedure applies), allows grievances to be raised and dealt with fairly and consistently and ensures that, as an employer, we act reasonably when dealing with grievances. Throughout the Managing Grievances policy and procedure, the ACAS Code of Practice has been taken account of.

It is recognised that dealing with employee grievances can be challenging. The maintenance of good relationships, open dialogue, listening, and addressing concerns collaboratively and early, can reduce the need to raise a formal grievance, with this approach being in accordance with the Council's Guiding Principles, as detailed below.

Where a grievance is raised, the Managing Grievances policy and procedure will help managers deal consistently with the matter and adopt a collegiate approach, with procedural advice available from the Employee Relations and Wellbeing Team, as required. Training aimed at helping managers become more confident in dealing with such matters, as well as developing skills in handling difficult conversations which will aid the effective use of the policy and procedure can also be accessed at ACC Learn.

An overview of the key stages of the procedure and the respective steps at each stage is detailed in the Grievance Procedure Flowchart (appendix 1).

Guiding Principles

As Council employees, we expect each other to behave in a way that is aligned with our co-created Guiding Principles.

The Guiding Principles are:

- We **care** about our purpose, our city and our people.
- We take **pride** in what we do and work to make things better.
- One **team**, one Council, one city.
- We **trust** each other and take responsibility.
- We **value** each other and recognise a job well done.

These principles provide a guide to maintaining positive and constructive working relationships between employees. We all have a responsibility to set a positive example.

What is a grievance?

A grievance is defined as a genuine concern, problem, or complaint that an employee has in relation to work, working conditions or relationships that they can raise with their employer to be addressed. By doing so, they are indicating that something at work is concerning them, and they would like the matter addressed and, where possible, resolved.

Any bullying behaviour and/or harassment and victimisation should specifically be managed under the Councils Dignity and Respect at Work Policy. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Harassment is defined as unwanted conduct related to a relevant protected characteristic (under the Equality Act 2010), or on other grounds, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

What is a collective grievance?

A collective grievance is where two or more employees share a genuine common concern, problem or complaint arising from the same circumstances and wish for their grievance to be heard together as one, rather than separately. The procedure detailed also applies to such collective grievances and the same stages should be followed.

Employees raising a collective grievance must agree, without any pressure being exerted on them, to join the collective process. Trade Union members have the right to be represented by their Trade Union representative. The group may wish to nominate a spokesperson to help facilitate discussions particularly where it is a large group.

Where the common complaint is raised collectively, the participating employees will be entitled to one group grievance hearing and one group appeal hearing. They will be notified individually of the outcome at each stage of the procedure. If any participating employee(s) does not agree to this process, or where it is considered that the grievances are in fact not related, arrangements will be made to hear the grievances individually.

Grievances about fellow employees

There may be occasions when an employee raises a grievance about their colleague(s). These cases, which would not be viewed as bullying and harassment but could perhaps be on grounds of attitude, capability for the job or grounds of personal hygiene, must be dealt with carefully, and conversations should be handled in a way that is sensitive to the circumstances and needs of the individuals concerned. This will usually start with the relevant line manager talking privately to the employee who has raised the grievance to clarify the situation, and then talking to the employee who is the subject of the grievance.

Such counselling will hopefully resolve the grievance to the satisfaction of the employee who expressed concern on the basis that appropriate action has been taken to address the issue. It is important confidentiality is observed in regard to how the matter was addressed.

However, if matters do not improve, whether in the informal or formal stage of a grievance of this nature, the appropriate manager, in conjunction with People and Organisational

Development, may need to consider whether the matter should then be dealt with under one of the other Council policies e.g. Managing Performance, Managing Discipline or Dignity & Respect. The route chosen will depend on the nature of the complaint.

Links to Other Policies

The Managing Grievances procedure has been designed to deal with genuine concerns, problems, or complaints that an employee has in relation to work, working conditions or relationships that they can raise with their employer to be addressed. There may be certain cases and issues that arise that will require special consideration in how to apply the policy. Guidance is therefore provided to help managers deal with some of the situations that may arise, with more information found in Appendix 2. The Employee Relations and Wellbeing team can also provide advice.

Right to be accompanied

Employees have a right to be accompanied at all stages of the grievance procedure by a work colleague, trade union representative or official employed by a trade union, but not a spouse, partner, family member, friend or legal representative. There may however be certain circumstances where accompaniment is not appropriate, for example during mediation or facilitated meetings where these have been identified as a potential means of resolution.

Where the employee has additional support needs alternative representation may be agreed as a reasonable consideration to support the employee.

The employee's companion is permitted to address the hearing to put the employee's case forward, sum up the case and respond on the employee's behalf to any view expressed at the hearing. They must also be permitted to confer with the employee during the hearing. However, the companion does not have the right to answer questions on behalf of the employee, to address the hearing if the employee does not wish them to do so, or to prevent the employer explaining the case.

If the companion is an employee of Aberdeen City Council (whether they be a work colleague or a trade union representative), they should be allowed reasonable paid time off to prepare for and attend the meeting/hearing. This includes time for the companion to familiarise themselves with the case and confer with the employee before and after the hearing/meeting.

In advance of the grievance meeting/hearing, the employee is required to inform the person conducting the meeting who their chosen companion is. If the employee's colleague or trade union representative is unable to attend on the proposed date, the employee can suggest an alternative date and time so long as it is reasonable and not more than 5 working days after the original date. Otherwise, the employee will need to arrange for someone else to accompany them at the meeting or attend the meeting unaccompanied. Should the trade union be unable to provide representation within 5 working days of the original date, this should not delay the process. The chairperson can insist that the pre-arranged hearing goes ahead as planned.

Employee Wellbeing

Understandably, the grievance process can be a difficult period for all involved. The health and wellbeing of all employees should be a priority at each stage. Throughout the process the manager responsible for responding to the grievance should communicate with the employee(s) regularly to update on progress and advise if there are any delays.

During each stage of the procedure the employee's health and wellbeing, and that of any employee who is the subject of a grievance, and the potential impact the grievance could have for them should be considered. Managers will act with compassion maintaining regular contact with employee(s) and ensuring support is available where needed through signposting the employee(s) to available support and avenues of advice.

Advice

- Trade Unions
- Citizens Advice Bureau - www.cas.org.uk
- Grampian Region Equality Council (GREC) - www.grec.co.uk
- ACAS Point - www.acas.org.uk
- [Employee Relations and Wellbeing Team](#) – for procedural advice on the Managing Grievances policy and procedure

Support

- Mental Health and Wellbeing Pages: these are available on [People Anytime](#) and provide a variety of support resources, skills/training information and details about the Councils Mental Health First Aiders Network.
- Counselling Service: The Council provides a free, confidential 24-hour counselling service. The service offers a helpline for general advice and guidance, psychological guidance and emotional support and/or individual counselling either face to face or over the phone. and has no role in the consideration of any complaints by Council officers/management. Further details can be accessed on People Anytime.
- Workplace Chaplaincy Service
- Mediation: may be considered at any stage of the procedure to help secure an effective resolution. When considering mediation as a tool for resolution advice should be sought from People & OD. Mediation will be used only where all parties involved in the grievance agree.
- Trade Unions

Keeping records

It is important that managers keep a written record of how grievances are dealt with, including at the informal stage. The Grievance Discussion Note Form (appendix 2) is a useful tool that can be used for this purpose.

The record should include:

- the nature of the problem/grievance raised
- the key points discussed at any meetings
- any decisions and actions taken, and why
- whether there was an appeal
- the outcome of the appeal
- any subsequent developments

These records, whether relating to the informal or formal stage of the procedure, should be treated as confidential and retained in the employee's personal file in accordance with data protection legislation which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the employee where they request it, although in certain circumstances some information may be withheld, for example to protect witnesses.

SECTION 2: THE PROCEDURE

The Informal Stage

Early intervention is often key to satisfactorily resolving problems at work promptly and before they become more serious and have an impact on relationships and service delivery.

In organisations where trusting relationships have developed and there is an open policy for communication and consultation, problems and concerns are often raised and settled as a matter of course, for example through a quiet chat, which also allows for them to be resolved quickly.

Everyone has a responsibility to work effectively and co-operatively to find solutions. We must listen, seek to understand, and act accordingly, being open to learning from our mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

Employees should attempt to resolve any problems at work informally where possible, and managers should make every reasonable effort, working with the employee, to resolve the problem at this stage and try to prevent the matter from reaching the formal stage. It is recognised that the manager may not always have authority to sanction a specific resolution to the employee's problem. Should this be the case, rather than allow the matter to proceed to the next stage in the procedure, the manager involved should first consult a more senior officer to establish if authority can be given for the resolution that both parties consider will resolve the complaint.

Whilst it is encouraged to try to resolve problems informally in the first instance, an employee may raise a formal grievance at the outset if they do not want the problem dealt with informally or the concerns are of a more serious nature. In such cases managers can still suggest trying to resolve the matter informally first and discuss this option with the employee, however, must respect the employee's decision to progress under the formal stage of the procedure if this is their preference.

There are **3 key steps at the informal stage**:



Step 1: Employee Raises Complaint

The employee should raise their complaint and the resolution they seek with their line manager, or more senior officer where appropriate, as soon as possible after the problem(s) has occurred. There is no need to present the complaint in writing at this stage although the employee may choose to do so, e.g., by email or a Teams message to their manager, if they feel it will help to explain their problem and resolution sought.

The employee's line manager would normally be expected to deal with and respond to the complaint. Every attempt should be made to resolve complaints at the lowest level possible within the organisation. If the line manager is the subject of the complaint, the employee can discuss the matter with a more senior manager in their Cluster.

Step 2: Discuss and Consider Options to Resolve

The employee and manager, or more senior officer, should work together to find a mutually acceptable resolution to the complaint. Solving the problem should be a two-way process.

The manager should deal with the matter promptly; arranging an informal chat or meeting with the employee to discuss their complaint, where possible within 5 working days of first being notified, is recommended. Where necessary, the manager should make appropriate arrangements to cater for any additional support the employee may need. Similarly, where English is not the employee's first language translation facilities may need to be provided, in agreement with the employee.

At the meeting, the employee can explain in full what the problem is, what they think should happen and share any evidence, if necessary, for example payslips, contract, emails.

The manager will need to carry out enquiries to help determine the facts of the employee's complaint and what may resolve the matter. Such enquiries may include discussions with other relevant employees, examining documents (for example conditions of service, policies and procedures, collective agreements) and seeking specialist advice. Where children or vulnerable adults are identified as witnesses, advice should be sought from the Employee Relations and Wellbeing Team.

The manager will need to consider whether the resolution the employee seeks is reasonably achievable. Alternative or compromise solutions may need to be considered to resolve matters. At this point managers should also consider whether the issue may be better dealt with under another of the Council's formal policies and procedures – advice can be sought from the Employee Relations and Wellbeing Team.

Informal methods of dealing with problems at work are often the quickest and most effective. What will be appropriate will depend on the circumstances of the grievance; options which may be helpful to consider include informal 1-1 meeting, manager directed resolution, a facilitated meeting or perhaps mediation. Further detail on these methods and tools which may support successful resolution can be found at appendix 3.

Step 3: Outcome

After full discussions and considering options to resolve the complaint, the manager should provide a written response to the employee outlining the agreed actions and outcome. Ideally this will be within 5 working days of the initial meeting with the employee, however, it is recognised that it may not always be possible to respond within this timescale (for example because of availability of people the manager needs to talk to), and where this is the case then the employee must be kept informed of any delays and the reasons for this.

The manager should keep a note, recording the key details of the complaint raised, resolution sought, discussions held, and the agreed actions and outcome. The Grievance Discussion Note Form (appendix 2) is a useful tool that can be used for this purpose and shared with the employee for their review and agreement. For reasons of confidentiality this information must not be copied to anyone else except those directly involved in the process of which may include the employee's trade union representative.

The manager should follow up on agreed actions ensuring that any next steps are completed and have been effective in resolving the problem. If the employee indicates that their complaint has not been satisfactorily resolved it may be necessary to arrange more informal discussions and find out anything else that can be done.

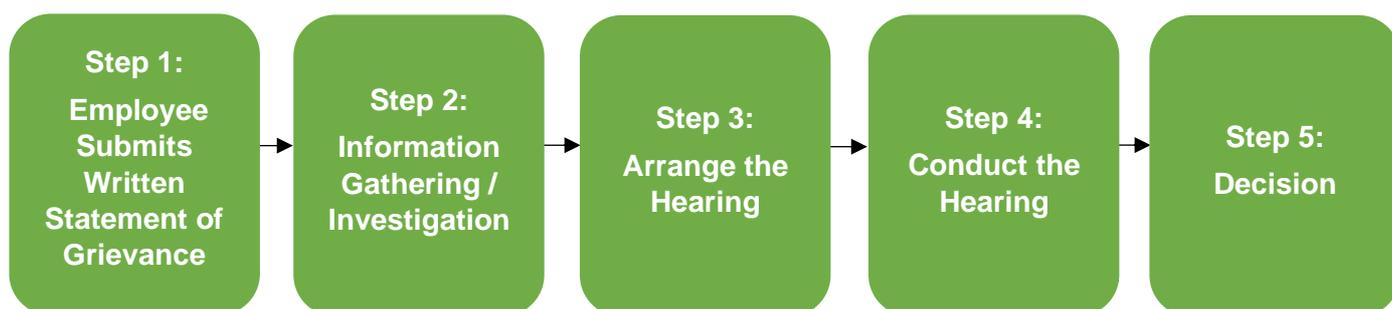
The employee does also have the option to raise their complaint formally if they consider that it has not been satisfactorily resolved at this informal stage. They should raise a formal grievance as soon as possible, and in writing as outlined in Step 1 of the Formal Stage of the procedure.

It is strongly encouraged however for the employee and manager to attempt to fully resolve the complaint informally and for this stage to be exhausted before escalating the matter to be dealt with under the formal stage of the procedure.

The Formal Stage

Where attempts to resolve the grievance informally have been exhausted and the employee feels their grievance remains unresolved, they may raise their complaint to be dealt with under the formal stage of the procedure. In some circumstances the employee may choose to proceed straight to this formal stage, however, it is always encouraged to exhaust the informal stage where possible.

There are **5 key steps**:



Step 1: Employee Submits Written Statement of Grievance

The employee should complete and submit a Written Statement of Grievance Form (appendix 4) to their Chief Officer or Service Manager to lodge their formal grievance. If being submitted to a Service Manager, the Chief Officer should be copied in. For teaching staff submission should be to the Head Teacher or senior manager, or where the Head Teacher is the aggrieved party submission should be to their Chief Officer. The form should set out the grounds for the grievance, the resolution sought and details of any attempt to resolve the matter informally. Supporting documents can be provided to help explain/evidence the grievance and steps taken at the informal stage e.g., grievance note form, email communications, diary entries.

It may not be easy for the employee to set out their grievance in writing - especially for those whose first language is not English or who have difficulty expressing themselves in writing. In these circumstances, the employee is encouraged to seek help from a work colleague or a trade union representative. In exceptional circumstances, arrangements can be made for the employee to meet with the Chief Officer/ Service Manager to relay their grievance in person, with the Chief Officer/Service Manager recording it in writing.

On receipt of the written statement of grievance, the Chief Officer/Service Manager should review the employee's written statement of grievance. Where it seems there have been no attempts to resolve the grievance informally, they, or another appropriate manager, should first discuss this as an option with the employee to establish whether there is anything that can be done before instigating the formal procedure. If the employee's decision remains to progress with a formal grievance, this will be respected, and a chairperson appointed to hear

the grievance at a formal hearing. This should be a manager at the same management level or one management level above who dealt with the grievance at the informal stage.

When appointing the chairperson, it must be ensured that they have had no prior involvement in the case to demonstrate fairness, objectivity and impartiality in the process. It may be most appropriate to appoint a chairperson from out with the employee's service/cluster, however, this should be balanced with the requirement for any specialist knowledge and expertise, and the complexities of the case. Advice on who to appoint can be sought from the Employee Relations and Wellbeing Team.

Step 2: Information Gathering / Investigation

Prior to the hearing, the chairperson will need to gather the necessary information to assist in establishing the facts of the case and support them in making an informed decision at the hearing. They will need to carry out enquiries to determine the facts of the grievance and what may resolve the matter. Such enquiries may include discussions with other relevant employees, examining documents (for example conditions of service, policies and procedures, collective agreements) and seeking specialist advice.

In exceptional cases, normally for reasons of complexity, scale, or sensitivity it may be determined that the case merits a **formal investigation** and where so the chairperson will commission this in accordance with the Council's Investigations Procedure. The chairperson will notify the employee (appendix 5) that a formal investigation is to be undertaken and that this should be completed **within 4 calendar weeks** from an investigating officer being appointed.

The investigating officer will be appointed, from a pool of trained investigators (list held by the Employee Relations and Wellbeing Team), within 3 working days from the time the need for an investigation has been identified. They will arrange to meet with the employee to discuss the grounds for the grievance, and then gather evidence and liaise with relevant witnesses as part of the investigation. Once the investigating officer is satisfied that all relevant information about the complaint has been gathered, they will produce an investigation report, detailing their findings and conclusions which they will provide to the commissioning manager.

Step 3: Arrange the Hearing

The hearing should be held **within 10 working days** from receipt of the written statement of grievance, not from the date that the chairperson has been notified of the grievance, or in cases where a formal investigation has been commissioned **within 10 working days** of conclusion of the investigation.

The chairperson should write (appendix 6) to the employee **providing 5 working days' notice** to attend, however, this can be reduced if all parties agree. If for some good and sufficient reason it is not practicable to hold the hearing within this timescale then the employee must be informed as soon as this becomes evident, given an explanation for the delay and advised of the date the hearing is expected to take place.

The chairperson should:

- Arrange to hold the meeting to best accommodate the parties involved and working arrangements, this could include in a suitable private office location or via video conferencing. It is important that interruptions can be avoided, and that the employee feels comfortable in the chosen environment which allows for confidentiality.
- Where necessary, make appropriate arrangements to cater for any additional support the employee or their companion may need. Similarly, where English is not the employee's first language translation facilities may need to be provided in agreement with the employee.
- Book adequate time out in the diary and be prepared to facilitate adjournments during the hearing where these are necessary.
- Review in full the written statement of grievance and any evidence that has been submitted, including the investigation report where a formal investigation was commissioned.
- Find out whether similar grievances have been raised before, whether they were resolved and if so, how. This allows for equity and consistency.

The chairperson must ensure the following are invited to attend the hearing:

- a People & Organisational Development Advisor to provide procedural advice and guidance
- the manager who took the decision at the informal stage
- the employee who raised the grievance
- the employee's companion if they wish to be accompanied
- the Investigating Officer to present the investigation report, where a formal investigation was commissioned
- a note taker if it is felt that this would be useful

Step 4: Conduct the Hearing

The hearing should be conducted in accordance with the **'How to Conduct a Grievance Hearing' Checklist** (appendix 7), and the chairperson should keep a record of the key discussion points (appendix 2).

Where a formal investigation was commissioned guidance on how to present the investigation findings at a hearing can be found in the Investigations Procedure. The investigating officer will attend only to present their investigatory report and answer any questions in relation to the investigation. This involves going over their findings and how their conclusions were reached.

A grievance hearing is significantly different from a disciplinary hearing and is an opportunity for open discussion, with the aim of constructively resolving the problem. The chairperson should be careful to hear the grievance in a calm and impartial manner in the effort to find a satisfactory resolution. However, the content of the grievance may have been continuing for

some time so allowances should be offered for any reasonable "letting off steam" if an employee appears to be under stress.

On occasion the need for further information may be identified during the hearing. In such cases the hearing will be adjourned for this to be gathered and reconvened at the earliest opportunity in agreement with the employee.

Step 5: Decision

Before making a decision, the chairperson may need to seek advice on how best to take matters forward, particularly if unsure how to deal with the grievance. This may involve:

- Exploring possible opportunities to resolve the grievance and checking reasonableness of potential resolutions with an appropriate manager and/or People & Organisational Development.
- Checking with People & Organisational Development whether similar grievances have been raised before and if so, how they were resolved.
- Checking with an appropriate manager and/or People & Organisational Development whether the employee's proposed resolution if reasonably achievable may render the Council vulnerable to other grievances from employees who may be potentially disadvantaged by this.

The chairperson must decide whether there are sufficient and reasonable grounds to either:

- Uphold the grievance in full
- Uphold the grievance in part
- Not uphold the grievance

Where the grievance is upheld in full or part, a decision on the appropriate action(s) to be taken to resolve the matter will be made by the Chairperson. Whilst at times this may differ to that hoped for by an employee, the resolution should always be based on balanced consideration of the facts and the specific circumstances of the grievance. The actions to be taken to resolve the grievance may have an impact on other individuals and while confidentiality is of prime importance others may need to know the outcome, or certain aspects of the outcome that will impact on them. For instance, in cases where the grievance was about a fellow employee, that individual should also be informed of any aspect of the decision that affects them and the reasons for it. In such cases, the employee who raised the grievance should be informed of who else will be told about the decision and what type of information will be given.

If the grievance highlights any issues concerning policies, procedures or conduct they should be addressed as soon as possible.

Any action to be taken should be monitored and reviewed, as appropriate, so that it deals effectively with the issues.

Where the grievance is not upheld the reasons for this will be explained.

The employee will be notified of the decision and the reasons for it at the hearing. This should then be confirmed in writing (appendix 8) to the employee **within 5 working days** of the hearing and outline their right to appeal.

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected.

SECTION 3: APPEALS

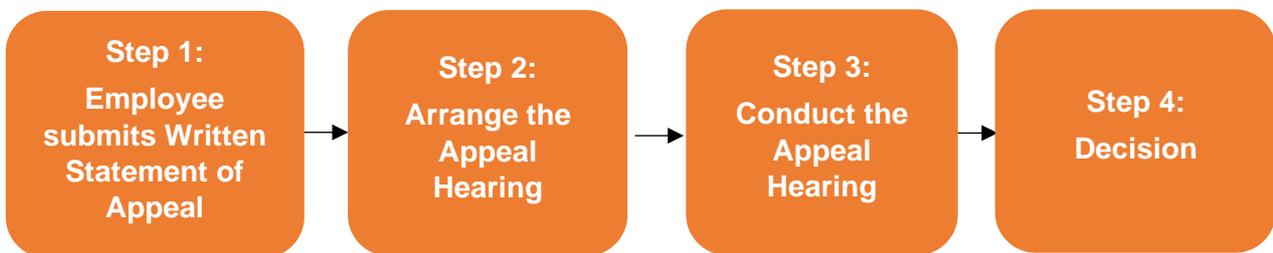
Employees can opt to appeal if they feel that their grievance has not been satisfactorily resolved at the formal stage.

Grounds for appeal may include:

- Failure to follow policy and procedure in the previous stages of the grievance process
- The decision reached at the formal hearing was not supported by the evidence presented
- The proposed action to resolve the grievance is inappropriate given the circumstances
- New information has come to light since the formal hearing which has significant impact on the decision made

The appeals process is about looking at what happened previously in the grievance process and remedying any defects, where appropriate, in the original procedure. The appeal is **not** a rehearing of the original grievance but rather an opportunity for the employee to highlight to an impartial manager, with the authority to make an alternative decision, why they believe the decision not to uphold the grievance was wrong.

There are **4 key steps**:



Step 1: Employee submits Written Statement of Appeal

An appeal must be in writing outlining the grounds for appeal and the resolution sought. The employee should complete and submit a Written Statement of Appeal (appendix 9) to their Director **within 10 working days** of receipt of the written outcome from the formal grievance hearing to lodge an appeal. It is not sufficient for the employee to state that they wish to appeal without setting out the grounds.

On receipt of the written statement of appeal a suitable chairperson will be appointed to hear the appeal. The appeal can be heard by the Director or they can appoint an appropriate Chief Officer or Senior Manager.

When appointing the chairperson, they must have had no prior involvement in the case to demonstrate fairness, objectivity, and impartiality in the process. It may be most

appropriate to appoint a chairperson from out with the employee's service/cluster, however, this should be balanced with the requirement for any specialist knowledge and expertise, and the complexities of the case. Advice can be sought from the Employee Relations and Wellbeing Team.

Step 2: Arrange the Appeal Hearing

The chairperson is responsible for writing (appendix 10) to the employee with the appeal arrangements **providing 5 working days' notice** to attend, however, this can be reduced if all parties agree.

The hearing should be held **within 10 working days** of receipt of the employee's written statement of appeal. If for some good and sufficient reason it is not practicable to hold the appeal hearing within this timescale then the employee must be informed as soon as this becomes apparent, provided with an explanation for the delay and advised of the date the hearing is expected to take place.

The chairperson must ensure the following are invited to attend the hearing:

- a People & Organisational Development Advisor to provide procedural advice and guidance
- the manager who took the decision at the formal stage
- the employee who lodged the appeal
- the employee's companion if they wish to be accompanied
- a note taker if it is felt that this would be useful

Where necessary, make appropriate arrangements to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language translation facilities may need to be provided in agreement with the employee.

Where the grievance relates to a fellow employee, that individual should be informed that the initial decision has been appealed and the anticipated timeframe for the appeal decision. They should be provided with support where necessary.

Step 3: Conduct the Appeal Hearing

The appeal hearing should be conducted in accordance with the '**How to Conduct a Grievance Appeal Hearing' Checklist** (appendix 11). It is important that the written statement of appeal and any evidence that has been submitted is reviewed in full in advance of the hearing. Where necessary adjournments should be accommodated.

The chairperson should keep a record of the key discussion points (appendix 2).

Step 4: Decision

The chairperson must decide whether there are sufficient and reasonable grounds to either:

- Uphold the appeal in full
- Uphold the appeal in part
- Not uphold the appeal

Where the appeal is upheld in full or part a decision on the appropriate action(s) to be taken to resolve the matter will be made. Whilst at times this may differ to that hoped for by an employee, the remedy should always be based on balanced consideration of the facts and the specific circumstances of the grievance.

As with the formal stage, where the appeal is about a fellow employee, that individual should be informed of any aspect of the decision that affects them and the reasons for it. The employee who raised the appeal should be told if anyone else will be informed about the appeal decision and the reasons for it.

If the appeal highlights any issues concerning policies, procedures or conduct they should be addressed as soon as possible.

Any action to be taken should be monitored and reviewed, as appropriate, so that it deals effectively with the issues.

Where the appeal is not upheld the reasons for this will be explained.

In arriving at a fair and reasonable decision, the chairperson should:

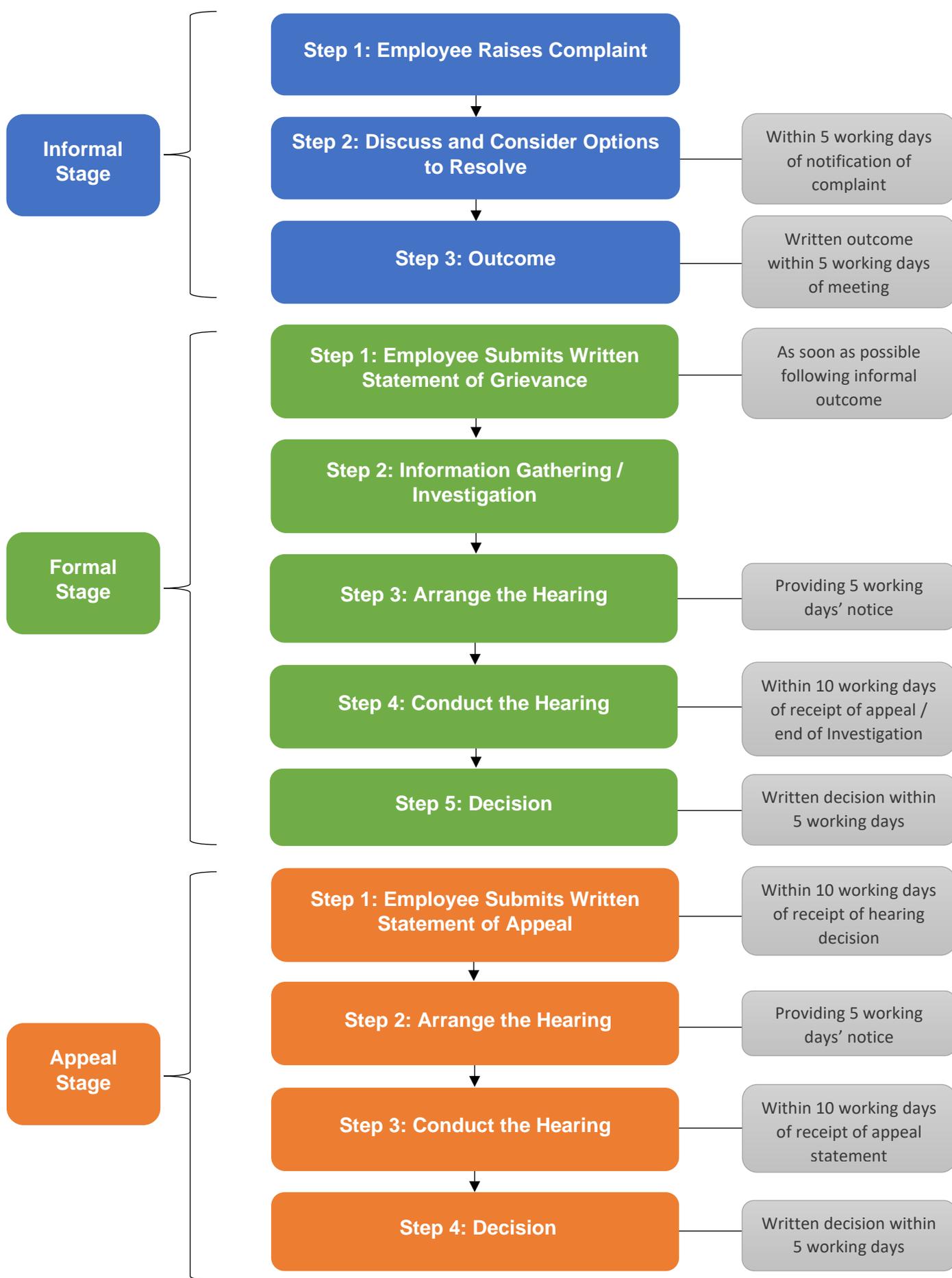
- Be prepared to overturn a previous decision if it becomes apparent that it was not soundly based and is wrong – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal.
- Listen carefully to both sides of the case and make a judgement as objectively as possible.
- Satisfy themselves that no unfair bias or prejudice affected the original decision.
- Consider whether previous responses were within the band of reasonable responses.
- Consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee (if this is the case made by the appellant)
- Pay particular attention to any new matters/evidence that has come to light, whether this would have affected the outcome of the grievance hearing, whether the employee had the opportunity to raise these matters at the grievance hearing. The chair should ensure that the manager has an opportunity to comment on these.
- Check whether similar grievances have been raised before and if so, how they were resolved.
- Check whether the employee's proposed remedy is reasonably achievable and indeed, whether it may render the Council vulnerable to other grievances from employees who may potentially be disadvantaged were the grievance to be upheld (even in part)
- Explore possible opportunities to resolve the grievance and check the legitimacy of potential solutions with other managers and People and Organisational Development.

The employee should be notified of the decision and the reasons for it at the hearing. This should be confirmed in writing (appendix 12) to the employee **within 5 working days** of the hearing.

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected.

The appeal decision is final and this is the final stage of the process, except in the case of teachers who have additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework.

GRIEVANCE PROCEDURE FLOWCHART



LINKS TO OTHER POLICIES

When dealing with a disciplinary process there may be links to other policies and procedures within Aberdeen City Council. Below are some examples and relevant information to consider.

Handling grievances raised during the disciplinary procedure

There are occasions where an employee will raise a grievance when they are subject to the disciplinary process. There is no legal requirement that a disciplinary process should be postponed while the employer deals with a grievance raised by the employee. Where a grievance is raised, the following guidance is recommended, in the three scenarios below:-

a. Grievances directly arising from the disciplinary process

The Managing Grievances policy/procedure states that employees are not permitted to raise a grievance concerning any matter directly arising from the application of the disciplinary procedure (either at investigation or disciplinary hearing stage), it being regarded under that procedure as being non-competent. The employee would have the opportunity to raise any related concerns they may have at the appropriate stage in the disciplinary process.

b. Grievances relating to the lead-up to the disciplinary process.

An employee may make an allegation about the circumstances that led to the disciplinary process being initiated, rather than concerning a matter directly arising from the disciplinary case itself. This could be for example where an employee alleges that they were bullied by the manager who initiated the process. The matter can therefore be heard within the disciplinary process, if this is considered appropriate and depending on the seriousness of the allegation. The allegation would be considered to amount to either a defence to the accusation of misconduct or to a mitigating factor that the employer could take into account when considering what action to take. This may be the most efficient way of dealing with the matter especially where the issues are interrelated. An adjournment may be necessary if any issues required to be looked into in more detail with it being recommended that the same investigating officer is used who looked into the conduct allegations.

Alternatively, the disciplinary process could be postponed for the grievance to be heard and dealt with first. However, this could cause an unnecessary delay.

c. Grievances that are unrelated to the discipline case

Grievances that are unrelated to the discipline case should be held out with the disciplinary process and heard through the Managing Grievances procedure as a separate matter. They will not hold up the disciplinary process with no postponement necessary.

GRIEVANCE DISCUSSION NOTE FORM

Use this form to take a note of any discussions with the employee relating to their grievance at any stage of the procedure and the agreed actions. This is not intended to be a minute of the meeting but used to capture the key facts.



| DETAILS | |
|--|--|
| Manager Name | |
| Job Title | |
| Cluster/Service | |
| Stage of the Procedure | Informal <input type="checkbox"/> Hearing <input type="checkbox"/> Appeal <input type="checkbox"/> |
| Date of Discussion | |
| Employee Name & Ref No. | |
| Employee Job Title | |
| GROUNDS OF GRIEVANCE & RECORD OF DISCUSSIONS | |
| What is the nature of the grievance? | |
| What resolution is being sought? | |
| Key points discussed and responses. | |
| What are the agreed actions? | |
| What was the outcome? | |
| Manager Signature | |
| Employee Signature | |
| Date | |

METHODS AND TOOLS FOR RESOLVING GRIEVANCES

| | |
|------------------------------------|---|
| Informal 1-1 | <p>It may be appropriate for the employee to try talking to the person who has aggrieved them as a first step. The employee may feel confident enough to discuss their complaint(s), the impact this is having on them and the resolution they are seeking. The employee may find it helpful to discuss how they would approach such a meeting in advance with their line manager or trade union representative. Sometimes individuals do not realise the effect a decision or behaviour is having on other people, so this direct approach might be quite effective in some cases.</p> |
| Manager Directed Resolution | <p>If the employee speaking 1-1 with the individual does not work to resolve the complaint or they do not feel able to approach the individual themselves, the line manager (or their line manager if they are the individual concerned) could approach the individual on the employee's behalf.</p> <p>Where appropriate managers may use a counselling form / reflective statement (appendix 3) as a record of the conversation, particularly where the complaint relates to the individuals behaviour and they have recognised that their behaviour has not been appropriate and agreed to address this.</p> |
| Facilitated Meeting | <p>A facilitated meeting is a meeting between the employee and the person who has aggrieved them, with an appropriate person present to facilitate (make it easier). The appropriate person (facilitator) might be their manager, an independent manager or a People & OD representative, depending on the nature of the complaint.</p> <p>The facilitator will make sure that the issues are discussed in a safe, confidential and supported way with the aim of reaching a resolution. If necessary, more than one facilitated meeting can take place.</p> |
| Mediation | <p>Mediation is a more structured approach. It is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person who has been trained as a mediator helping two or more individuals or groups to reach a resolution that is acceptable to all.</p> <p>The overall aim is to restore and maintain the working relationship wherever possible. The focus is therefore on working together to move forward. All parties must agree to mediation. Advice can be sought from the Employee Relations and Wellbeing Team.</p> |

| | |
|-----------------------------|--|
| Counselling Meeting | <p>A counselling meeting or discussion can be a useful tool for managers in some situations, for example:</p> <ul style="list-style-type: none"> • when an employee's behaviour has fallen short of the expected standards, but is not serious enough to warrant any formal action • when a situation between employees is beginning to escalate • when an employee has not understood the expected standards but is willing to amend their behaviour <p>It should not be used in circumstances where the behaviour/actions of the employee are more serious and should be managed under a formal policy.</p> <p>A counselling meeting is where the manager explains what behaviour/action has been inappropriate, why this was inappropriate and what is expected in the future. The manager may also ask the employee to complete an action, for example to familiarise themselves with the guiding principles or undertake some training in a particular area.</p> |
| Reflective Statement | <p>A reflective statement allows an employee to consider their own behaviour/actions, what the consequences were and how they would better handle similar scenarios in the future. This might be particularly useful when a disagreement between colleagues has escalated, or where the employee's actions were uncharacteristic due to them being provoked, stressed or inexperienced at dealing with the situation.</p> |
| Empathy Mapping | <p>Empathy Mapping can be a valuable tool in evaluating a situation from different perspectives. This tool puts the individuals in the position of others in order to understand their own circumstances and potential reasons behind various decisions. Key questions that can be asked include the following:</p> <ul style="list-style-type: none"> • What do they think? • What do they feel? • What do they say? • What do they do? |

| RECORD OF INFORMAL COUNSELLING | | | |
|---|--|------------------------|--|
| Employee Name | | | |
| Manager undertaking counselling | | Date of Meeting | |
| Why is counselling taking place? | | | |
| | | | |
| What is the employee's response? | | | |
| | | | |
| What is the required improvement? | | | |
| | | | |
| Additional support to be provided / any other actions? | | | |
| | | | |
| Employee's signature: | | | |
| Manager's signature: | | | |

GUIDE TO CARRYING OUT AN INFORMAL COUNSELLING MEETING

Prior to the meeting

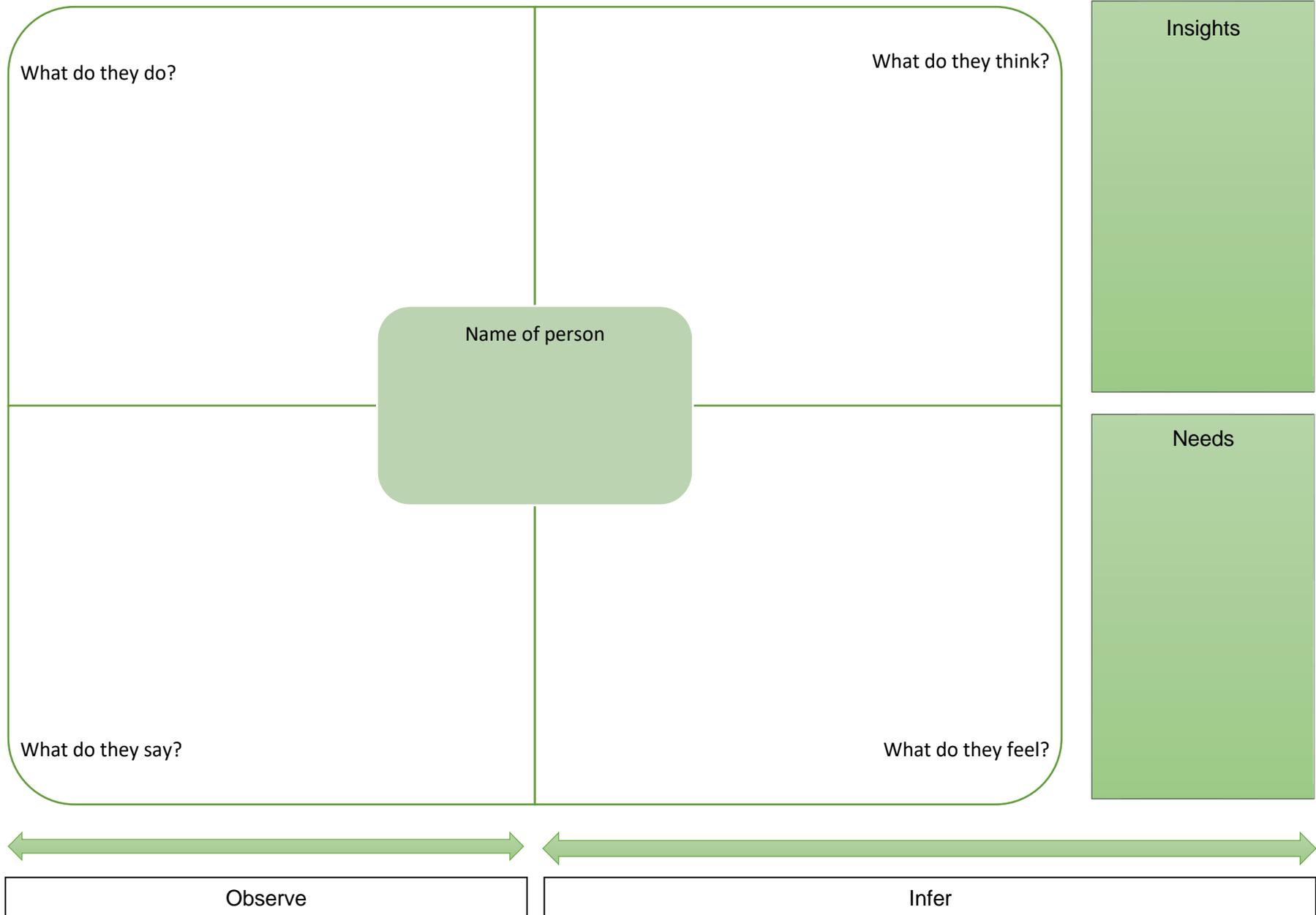
- Explain the purpose of the meeting to the employee.
- Book a private room free from potential interruptions.
- Consider any requests for support during the meeting.
- It is not appropriate for the employee or manager to be accompanied.
- Be prepared for the meeting, ensure that all relevant facts/information is available that you will need to refer to at the meeting (for example, flexi-time records, time sheets, absence records etc). Think about possible solutions and have in mind a plan for taking matters forward in a constructive and positive way that will help the employee to improve and resolve the matter.

At the meeting

- Explain the status and purpose of the meeting and that you wish to encourage a two-way discussion that is positive and meaningful. You should make clear that the meeting is not part of any disciplinary proceeding.
- It is important that you point out the issues including any impacts to the team/wider service and why they are being counselled so they can understand fully before they give you an explanation.
- Listen to the employee's explanation, provide feedback, jointly discuss ways for the employee to improve and for that improvement to be sustained.
- If the employee raises any issues you may need to look into matters further if the employee provides information that you were unaware of or conflicts with the information you currently have (NB it may become evident that there is no case to answer and if so, make this clear to the employee).
- Agree a plan to make the required improvement.
- Once you have agreed a plan you need to inform the employee that if there are not the required improvements then further steps may need to be considered.
- If the meeting unveils that the matter is more serious than you first thought or if the employee is not prepared to take the necessary steps for improvement you need to adjourn. Should this arise, inform the employee that the matter will need to be considered further under the appropriate policy, explaining the reason why.
- Once the meeting has concluded and both parties agree to the next steps, the form should be signed by both the employee and line manager and a copy provided to the employee.

| REFLECTIVE STATEMENT | |
|---|--|
| Employee Name | |
| Statement Date | |
| Describe the incident? | |
| | |
| Describe your own actions/behaviour? | |
| | |
| What were the consequences of your actions/behaviour? | |
| | |
| How would you handle the same incident on reflection? | |
| | |
| What support/training do you need to ensure the incident does not occur again? | |
| | |

EMPATHY MAPPING



WRITTEN STATEMENT OF GRIEVANCE FORM

To lodge a formal grievance, complete all sections in full as requested and ensure the form is signed and dated before submission to your Chief Officer



| YOUR DETAILS | |
|--|--|
| Name | |
| Job Title | |
| Cluster/Service | |
| Work Location | |
| Line Manager | |
| Contact Number / Email Address | |
| Trade Union Representative | |
| Share copies of documentation with Trade Union Rep? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| GROUNDS OF GRIEVANCE | |
| What is the nature of your grievance? <i>Please state fully the nature of your grievance including any key dates. Attach supporting documents if required.</i> | |
| What resolution are you seeking? <i>Please indicate in your opinion how the grievance could be resolved.</i> | |
| INFORMAL RESOLUTION | |
| Have you attempted to resolve your grievance informally? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Have you discussed your grievance with a manager? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Name of Manager | |
| Details: <i>Attach a copy of the Grievance Note Form where applicable</i> <i>Where 'no' please explain why not explored informal resolution</i> | |
| By signing this form, I confirm the information provided is true to the best of my knowledge. | |
| Signature | |
| Date | |

TEMPLATE LETTER - NOTIFY EMPLOYEE FORMAL INVESTIGATION COMMISSIONED

PERSONAL

Dear

GRIEVANCE HEARING – INVESTIGATION COMMISSIONED

I have been appointed to hear your grievance at the formal stage of the Managing Grievances Procedure. I understand that attempts to resolve your grievance informally have unfortunately proved unsuccessful and that this initial stage has now been exhausted.

On consideration of your Written Statement of Grievance I am of the view that a formal investigation of the grievance should be undertaken prior to proceeding to a hearing. I have therefore commissioned an investigation in accordance with the Council's Investigations Procedure, a copy of which is enclosed for your information.

An investigating Officer will be appointed, from a pool of trained investigators, who will arrange to meet with the you to discuss the grounds for your grievance, and then gather evidence and liaise with relevant witnesses as part of the investigation. Once the investigating officer is satisfied that all relevant information about the grievance has been gathered, they will produce an investigation report, detailing their findings and conclusions which they will provide to myself.

It is anticipated that the investigation should be completed **within 4 calendar weeks** from an investigating officer being appointed. On completion I will make arrangements to hold the hearing and a copy of the investigation report will be shared with you in advance.

I trust this satisfactorily explains next steps, however, please do not hesitate to contact me with any questions.

Yours sincerely

NAME OF OFFICER CHAIRING THE HEARING

cc People & Organisational Development Advisor
HR Service Centre /Employee Personal File

TEMPLATE LETTER - INVITE TO GRIEVANCE HEARING

PERSONAL

Dear

GRIEVANCE HEARING

I have been appointed to hear your grievance at the formal stage of the Managing Grievances Procedure. I understand that attempts to resolve your grievance informally have unfortunately proved unsuccessful and that this informal stage has now been exhausted.

I intend to hold the hearing on (insert date and time) at (insert location).

I understand that the grounds for your grievance are (set out briefly what you understand to be the employee's grounds for grievance as per the Written Statement of Grievance Form received).

I also understand that the resolution you seek is (repeat what the employee has stated in their Written Statement of Grievance).

****Delete following if does not apply**** Please find enclosed a copy of the investigation report and appendices from the formal investigation undertaken by (inset IO name) in accordance with the Investigations Procedure. This will be considered at the hearing.

Format of the hearing

I will conduct the hearing as follows:

1. Firstly, I will make introductions as necessary and then explain the purpose and format of the hearing, and deal with any procedural issues that may arise. I will allow adjournments during the hearing where I deem they are necessary.
2. I will then invite you to explain your grievance, why you were dissatisfied with management's response at the informal stage and how you propose matters are resolved.
3. I will then ask the manager who dealt with the grievance at the informal stage to set out their response.
4. If a formal investigation was commissioned, I will invite the Investigating Officer to attend the hearing and present their findings and answer questions. You and/or your companion will have the opportunity to question the investigating officer and any attending witnesses about evidence that has been presented. I will have the opportunity to question the investigating officer, following which the investigating officer will be asked to leave the hearing.

5. I will then question yourself and the manager in order to obtain a clear understanding of the issues and what it might take to resolve the grievance. There may be a need for more general discussion which both sides can raise relevant issues not already covered.
6. Both parties will be given an opportunity to sum up their position with a closing statement.
7. I will then summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that I have understood the issues, the resolution you seek, the arguments and any evidence presented and that nothing relevant has been missed.
8. I will then adjourn the hearing, so that I can consider all the relevant issues that have emerged, and the evidence presented. In deciding what action to take, I will consider whether the resolution you seek is reasonable and within the remit of the Council to grant.

I will decide whether there are sufficient and reasonable grounds to either:

- uphold the grievance in full
 - uphold the grievance in part
 - not uphold the grievance
9. I will re-convene the hearing and announce my decision, along with my reasons for arriving at that decision. I will thereafter confirm the decision in writing within 5 working days. I would hope to reach a decision on the date of the hearing although the length of the adjournment will of course depend on the type and complexity of the grievance that I need to consider.

Submission of evidence

If there is any additional, relevant evidence you wish to have taken into account at the hearing, you must forward this to me at least 24 hours in advance of the hearing. If you wish to have witnesses called you must notify me immediately to ensure that I can contact them in plenty of time. I wish to clarify at this point that witnesses cannot be compelled or instructed to attend the hearing.

Your right to be accompanied

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, spouse or a legal practitioner.

I will be accompanied by (insert name of officer and position).

Confirming your attendance

Please contact me as soon as possible to confirm that the above date, time and venue is suitable and whether you will be accompanied and if so, by whom.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

I trust this satisfactorily explains the stage we are at in the Managing Grievances Procedure and how the hearing will proceed.

Yours sincerely

NAME OF OFFICER CHAIRING THE HEARING

cc People & Organisational Development Advisor
HR Service Centre /Employee Personal File

HOW TO CONDUCT A GRIEVANCE HEARING CHECKLIST

The chairperson should conduct the formal hearing by following the below steps.

| Step | Detail | Completed |
|--|--|-----------|
| Prior to the Hearing | Gather the necessary information to assist in establishing the facts of the case and support in making an informed decision at the hearing. | |
| | Receive finalised investigation report and appendices where a formal investigation has been commissioned. | |
| | Contact Employee Relations & Wellbeing Team (employeerelations@aberdeencity.gov.uk) for a People & Organisational Development Advisor to support at the hearing. | |
| | Book a private meeting room or arrange a Teams meeting | |
| | Invite employee and all relevant parties to the hearing | |
| At the Hearing | | |
| 1. Introduction | <p>Make introductions and explain the purpose and format of the hearing.</p> <p>Confirm that you will allow necessary adjournments during the hearing.</p> | |
| 2. Statement of grievance and resolution sought | Invite the employee to explain their grievance, why they were dissatisfied with the employer's response at the informal stage and how they would like matters resolved. | |
| 3. Response from manager who dealt with grievance at informal stage | The manager who dealt with the grievance at the informal stage should then set out their response. | |
| 4. Investigating Officer presents findings (optional) | <p>If a formal investigation was commissioned, the Investigating Officer should be called to attend to present their findings and answer questions.</p> <p>Give the employee and their companion the opportunity to question the investigating officer and any attending witnesses about evidence that has been presented.</p> <p>You and your assisting colleague will question the investigating officer, as well as any witnesses that may be called.</p> | |

| | | |
|--|---|--|
| | Once all questions for the Investigating Officer are concluded ask them to leave the hearing. | |
| 5. Information gathering | Question the employee and manager in order to obtain a clear understanding of the issues and what it might take to resolve the grievance. | |
| 6. Summing up | Allow both parties to sum up their position. | |
| 7. Position summary | Summarise the main points of the discussion that you have heard. This is to ensure that you have understood the issues, the resolution the employee seeks, the arguments and any evidence presented and that nothing relevant has been missed. | |
| 8. Confirm employee has fully stated their concerns | Ask the employee whether they feels that they have had a fair hearing and whether they have anything further to say. | |
| 9. Adjournment | <p>Adjourn the hearing so that you can consider all of the relevant issues that have emerged and the evidence presented, to consider whether there are grounds to uphold the grievance and what action to take to resolve the matter. It may also be necessary to adjourn to gather additional information.</p> <p>Inform the employee at this point when they might reasonably expect a response bearing in mind the time limits set out in the procedure. Seek to reconvene on the same day or as soon as practicably possible.</p> | |
| 10. Communicate the decision | Reconvene the hearing to notify the employee of your and the reasons for it. Advise that this will be confirmed in writing to the employee within 5 working days of the hearing and outline their right to appeal if they consider that the decision fails to satisfactorily resolve their grievance. | |
| After the Hearing | Issue outcome letter to the employee. | |
| | Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing. | |
| | Where the grievance has been upheld/partially upheld liaise with colleagues who may be required to implement actions and/or recommendations to resolve the grievance. | |

TEMPLATE LETTER - GRIEVANCE HEARING DECISION

PERSONAL

Dear

GRIEVANCE HEARING – FORMAL NOTIFICATION OF DECISION

Thank you for attending the Grievance Hearing held on (insert date) in the presence of (insert names of officers present, including companions if applicable)

This letter confirms my decision.

Outcome of Hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision as notified to you on (date) to uphold/partially uphold/not to uphold (delete whichever is inappropriate) your grievance.

Reasons for decision

The reasons for, and factors I considered in arriving at this decision are as follows:

- **Detail reasons and factors**
- **Where the appeal is upheld or partially upheld detail, where appropriate, the actions to be taken and any recommendations.**

Include the 'Right of Appeal' paragraphs where the decision is not to uphold or to partially uphold the grievance:

Right of Appeal

Whilst I hope you will understand and accept my reasons for arriving at this decision, you have the right of appeal against this decision.

To lodge your appeal you must:

- submit a Written Statement of Appeal Form to the Director of Service. This should set out the grounds for appeal and the resolution that you are seeking. It is not sufficient to state that you wish to appeal without setting out the grounds.
- submit your appeal form within 10 working days of receipt of this letter.

Any appeal will be heard by the Director who in turn can appoint a suitable Chief Officer or Senior Manager who has had no prior involvement in the case to demonstrate fairness, objectivity and impartiality in the process.

The appeal hearing will normally be held within 10 working days of receipt of your written notice of appeal.

Yours sincerely

NAME OF OFFICER WHO CHAIRED THE HEARING

cc People & Organisational Development Advisor
HR Service Centre /Employee Personal File



WRITTEN STATEMENT OF APPEAL

Please complete all sections in full as requested below and ensure the form is signed and dated before submission to your Director. This appeal must be submitted within 10 working days of receipt of the decision of the formal grievance hearing.

| EMPLOYEE DETAILS | |
|---|--|
| Name | |
| Job Title | |
| Cluster/Service | |
| Work Location | |
| Line Manager | |
| Contact Number / Email Address | |
| Trade Union Representative | |
| Date of Grievance Hearing | |
| Name of Chairperson | |
| GROUNDS FOR APPEAL <i>(please tick as appropriate)</i> | |
| Failure to follow policy and procedure in the previous stages of the grievance process | |
| The decision reached at the formal hearing was not supported by the evidence presented | |
| The proposed action to resolve the grievance is inappropriate given the circumstances | |
| New information has come to light since the formal hearing which has significant impact on the decision made | |
| Other, please specify | |
| DETAILS OF APPEAL | |
| What are the specific reasons you remain dissatisfied with the formal grievance hearing outcome? <i>Please continue on a separate sheet if required</i> | |
| What resolution are you seeking? | |
| Signature | |
| Date | |

TEMPLATE LETTER - INVITE EMPLOYEE TO APPEAL HEARING

PERSONAL

Dear

APPEAL HEARING

I have been appointed to hear your appeal against the decision reached at the formal stage of the Managing Grievances Procedure. I understand that attempts to resolve your grievance at the informal and formal stage have unfortunately proved unsuccessful and that these stages have now been exhausted.

I intend to hold the hearing on (insert date and time) at (insert location).

I understand that the grounds for your appeal are (set out briefly what you understand to be the employee's grounds for appeal as per the Written Statement of Appeal Form received).

I also understand that the resolution you seek is (repeat what the employee has stated in their written statement of appeal).

Format of the appeal hearing

I will conduct the hearing as follows:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise. The appeal is **not** however a rehearing of the original case.
2. I will ask you and/or your companion to state your grounds and reasons for the appeal.
3. I will then ask the manager who took the decision at the grievance hearing stage to respond.
4. I and my assisting colleague will then question both the manager and yourself.
5. I will give both parties the opportunity to make a closing statement, firstly the manager and then yourself.
6. I will allow adjournments during the hearing where they are necessary.
7. I will then summarise the facts heard before adjourning the meeting.
8. During the adjournment I will consider all of the relevant issues that have emerged from the hearing to make my decision.

I will decide whether there are sufficient and reasonable grounds to either:

- uphold the appeal in full
- uphold the appeal in part
- reject the appeal

9. I will then re-convene the hearing and announce my decision, along with my reasons for arriving at that decision. I will thereafter confirm the decision in writing within 5 working days. The appeal decision will be final, and this is the final stage under the Councils Managing Grievances Policy and Procedure.

< For teaching staff there are additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework and this must be outlined >

Your right to be accompanied

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, spouse or a legal practitioner.

I will be accompanied by (insert name and position).

Confirming your attendance

Please contact me by (email and/or telephone) as soon as possible to confirm that the above date and time are suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely

NAME OF OFFICER WHO CHAIRED THE HEARING

cc People & Organisational Development Advisor
HR Service Centre /Employee Personal File

HOW TO CONDUCT A GRIEVANCE APPEAL HEARING CHECKLIST

The chairperson should conduct the formal hearing by following the below steps. Please be advised, these steps are detailed in the Template Letter to Invite Employee to an Appeal Hearing

| Step | Detail | Completed |
|--|---|-----------|
| Prior to the Hearing | Received grounds for appeal from employee | |
| | Contact Employee Relations & Wellbeing team (employeerelations@aberdeencity.gov.uk) for a People & Organisational Development Advisor to support at the hearing. | |
| | Book a private meeting room or arrange a Teams meeting. | |
| | Invite employee and all relevant parties to the hearing. | |
| 1. Introduction | <p>Make introductions as necessary and explain the purpose and format of the hearing. Confirm that the appeal is not a rehearing of the original case.</p> <p>Deal with any procedural issues that may arise and confirm that you will allow adjournments during the hearing where they are necessary.</p> | |
| 2. Employee states grounds for appeal | Ask the employee and/or their companion to state their grounds and reasons for appeal. | |
| 3. Response from manager who dealt with grievance at the formal stage | Ask the manager who took the decision at the formal stage to respond. | |
| 4. Information gathering | Question both parties in order to obtain a clear understanding of the issues and what it might take to resolve the grievance. | |
| 5. Closing Statements | Give both parties the opportunity to make a closing statement, firstly the manager and then the employee. | |
| 6. Position summary | Summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that you have understood the issues, the resolution the employee seeks, the arguments and any evidence presented and that nothing relevant has been missed. | |

| | | |
|------------------------------------|---|--|
| 7. Adjournment | Adjourn the meeting so that you can consider all of the relevant issues that have emerged from the hearing to make a decision. | |
| 8. Communicate the decision | <p>Reconvene the hearing with the employee and manager to notify of your decision, along with the reasons for arriving at that decision.</p> <p>Where the decision is to fully or partially uphold the grievance outline where appropriate the actions to be taken to resolve the grievance and any recommendations.</p> <p>Advise the employee that the decision will be confirmed in writing within 5 working days of the hearing.</p> <p>Confirm your decision is final and there is no further right of appeal, with exception of teachers who have additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework.</p> <p>If unable to come to decision on the day, confirm to the employee you will notify them of your decision in person whenever possible and confirm it in writing, along with the reasons for arriving at that decision. Advise you would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will depend on the type and extent of the range of issues that you need to consider.</p> | |
| After the Hearing | Issue outcome letter to employee. | |
| | Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing. | |

TEMPLATE LETTER - APPEAL HEARING DECISION

PERSONAL

Dear

APPEAL HEARING – FORMAL NOTIFICATION OF DECISION

Thank you for attending the Appeal Hearing held on (date) in the presence of (insert names of officers present, including companions if applicable)

This letter confirms my decision.

Outcome of appeal hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision as notified to you on (date) to **uphold/partially uphold/not to uphold** (delete whichever is inappropriate) your grievance.

Reasons for decision

The reasons for, and factors I considered in arriving at this decision are as follows:

- **Detail reasons and factors**
- **Where the appeal is upheld or partially upheld detail, where appropriate, the actions to be taken and any recommendations.**

Whilst I hope you will understand and accept the reasons for arriving at this decision. You have now exercised your right of appeal under the Council's Managing Grievances policy and procedure and my decision is final.

For Teaching staff please include - teachers have additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework.

Yours sincerely

NAME OF OFFICER WHO CHAIRED THE HEARING

cc People & Organisational Development Advisor
HR Service Centre /Employee Personal File