



HUMAN RESOURCES

GRIEVANCE POLICY AND PROCEDURE

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4.0	Section 6 Equality Monitoring amended – reference to Equality Monitoring Form removed, reference to Equality legislation added	John Singleton, HR Adviser	07/01/2020



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HUMAN RESOURCES

GRIEVANCE POLICY AND PROCEDURE

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1. POLICY STATEMENT

- 1.1 The Scottish Fire and Rescue Service (SFRS) is committed to creating a fair and equal working environment that allows all employees to contribute to its success. However, it recognises that there will be occasions when an employee may feel aggrieved about their employment and this document sets out the process they can follow.
- 1.2 All grievances will be heard fairly, consistently and within reasonable timescales. Any grievance should be raised and heard as close to the point of origin as possible and within three months of the issue of concern or management decision causing the grievance, unless otherwise agreed.
- 1.3 Where a grievance involves difficulty in reconciling work and caring responsibilities, Managers should make every effort, subject to the exigencies of the Service, not to implement any proposed change until the grievance has been resolved.
- 1.4 Grievances will normally be raised with the employee's Line Manager. Where grievances are about serious concerns such as unlawful discrimination which suggest major problems, for example of culture or management style, then the grievance will be referred to the Deputy Chief Officer who will ensure appropriate corporate level consideration.
- 1.5 This policy statement and its associated procedure has been agreed following consultation with the representative bodies.
- 1.6 This policy is supplemented by the following supporting documents:
- Grievance Frequently Asked Questions;
 - Grievance Flowchart;

- Grievance Template Letters:
 - G01 Invite to Formal Grievance;
 - G02 Outcome of Formal Grievance;
 - G03 Invite to Grievance Appeal;
 - G04 Outcome of Grievance Appeal;
- Notification of Grievance Form.

2. SCOPE

2.1 The Grievance Procedure applies to all employees of the SFRS. It does not apply to agency workers or self-employed contractors.

2.2 The content of this policy is consistent with the 'Principles for dealing with Grievance, Discipline and Capability matters' applicable to Brigade Managers / Principal Officers, as set out in the Gold Book (NJC for Brigade Managers, 5th edition). In accordance with those principles, specific additional guidance will be established in consultation with the relevant representative bodies.

2.3 The Grievance Procedure applies to current employees. Ex-employees or applicants during the recruitment process are not entitled to use the grievance procedure.

2.4 This procedure is used to deal with any employee grievances, except complaints in relation to policies which have their own grievance/appeals process. For example, complaints about discrimination, bullying and harassment in the workplace are sensitive issues and should merit special attention. Therefore, procedures for their consideration are set out in specific Service policies, i.e. Dignity and Integrity at Work. Other examples of exclusions are as follows:

- Matters of discipline, which are covered separately under the Disciplinary procedures;
- Matters of Administration – such as method/frequency of the payment of wages/salaries, the operation of the Sick Pay or Pension Scheme;
- Matters concerning national agreements (other than local interpretations thereof), such as Income Tax or National Insurance;
- Any matter where a separate procedure exists for dealing with grievances on a particular issue.

2.5 When the employee cannot evidence that a SFRS process, policy or procedure has been wrongly applied or breached, then the Manager need not proceed with the complaint under this procedure.

3. OBJECTIVES

3.1 This Grievance Procedure aims to:

- Provide employees with a process to raise a concern about their employment which they are unable to resolve through normal communication with their manager;
- Provide information on the point of contact and timescales to address issues of concern;
- Ensure that all employees are treated fairly and that their concerns are addressed promptly.

4. LEGAL OVERVIEW

4.1 Basic practical guidance is provided in the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on Disciplinary and Grievance Procedures. This procedure complies with that guidance.

- 4.2 The ACAS Code emphasises the requirement for written notification of grievance matters, conducting meetings and allowing employees to appeal. The requirement for reasonable behaviour is also emphasised throughout the ACAS Code.

5. INFORMAL GRIEVANCE

- 5.1 A grievance may be raised as a letter, an email, in an informal note or in a resignation letter. It need not contain the word 'grievance' and the employee does not need to specifically state that they wish the complaint to be addressed. Managers should direct the employee who has raised the concern to this procedure and its informal and formal processes.
- 5.2 Managers and employees are encouraged to resolve grievances quickly and informally by discussing the point of concern with their Line Manager prior to the commencement of any formal grievance process.
- 5.3 Where the grievance is a complaint against the Line Manager with whom the grievance would normally be raised, it may be appropriate to raise the grievance with the next level of management or another manager at the same or equivalent level of authority to the employee's Line Manager.

6. EQUALITY MONITORING

- 6.1 SFRS will monitor and analyse information regarding equality or diversity trends in relation to the grievance process, using anonymised confidential information from case and personal records. This will enable us to fulfil our duties and commitments under the Equality Act 2010 and Public Sector Equality Duty 2012

to eliminate discrimination, advance equality of opportunity and foster good relations by ensuring that no individuals or groups are less favourably treated in this process, through unfair inclusion or outcomes, because of a protected characteristic.

7. FORMAL GRIEVANCE

- 7.1 If the employee is not satisfied after the informal stage, they may proceed to the formal stage. At this stage, the grievance must be set out in writing.
- 7.2 The employee should complete and submit the Notification of Grievance Form and a grievance hearing will be arranged as soon as practicably possible (and usually within seven days).
- 7.3 Where the manager who would normally deal with the grievance cannot be available, another manager at the same or equivalent level of authority to the employee's Line Manager should be appointed to hear the grievance.
- 7.4 A grievance hearing will be arranged to discuss the nature of the grievance. The employee will have the right to be represented at the meeting by a companion. The chosen companion may be a fellow work colleague or trade union representative (see [section 10](#)). It is important that the meeting is not interrupted and that the employee feels their grievance is being treated seriously and in confidence.
- 7.5 A Human Resources Representative may also be present at the grievance hearing where the Line Manager considers this necessary to support the process.

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- 7.6 The employee will be given a full opportunity to explain their complaint and say how they think it should be resolved. If a point is reached in the meeting where it is not clear how to deal with the grievance or if further investigations are necessary, the meeting should be adjourned to seek advice or make further investigations. The manager should give the grievance careful consideration before responding.
- 7.7 Copies of meeting records should be given to the employee, including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness), some information may be withheld.
- 7.8 The employee will be provided with a written determination of the outcome of the grievance as soon as practically possible and normally within seven days, unless otherwise agreed. The letter should explain the reason for the decision and, where appropriate, what action shall be taken to resolve the grievance. The letter should also advise the employee that they can appeal against the manager's decision if they are not satisfied with it and outline the process for doing so.
- 7.9 All timescales may be altered by mutual agreement, where there is good reason to do so; however, every effort must be made to conclude the process as quickly as possible.

8. GRIEVANCE APPEAL

- 8.1 The employee has the right to appeal the grievance outcome. Any appeal must be made in writing and in good time (usually within seven days of receipt of the outcome, unless mutually agreed) and should clearly state the reasons for the appeal. Details of the appeal process will be provided in the letter which concluded the formal grievance.

8.2 The appeal should be sent to a higher level of management than that which heard the original grievance.

8.3 An appeal hearing will be convened as soon as possible and in good time (usually within seven days, unless mutually agreed) to discuss the grievance and the reasons for appeal and the employee will have the right to be accompanied at this meeting.

8.4 The employee will receive an outcome from the appeal hearing within seven days of the meeting. There will be no further right of internal appeal and the grievance procedure concludes at this stage.

9. MANAGEMENT RESPONSIBILITIES

9.1 It is important to keep written records during the grievance process. Records should include:

- The nature of the grievance raised and details of attempts to resolve informally;
- A copy of the written grievance form;
- The Manager's response, outlining action taken, reasons for action taken and right of appeal;
- Any appeal documentation, where applicable;
- Any subsequent developments;
- All documentation pertaining to the employee's grievance will be returned to the employee's personal file at the conclusion of the grievance.

10. REPRESENTATION

10.1 Employees have a statutory right to be accompanied to any grievance or grievance appeal hearing under the formal part of this procedure by a companion. The chosen companion may be a fellow work colleague or trade union representative and the employee should advise the Chair of the grievance hearing who their chosen companion is in advance of any hearing. There is no right to be accompanied during any informal grievance process.

10.2 An employee may be asked to choose another representative or work colleague, if the choice of companion is deemed unreasonable, for example:

- If, in the opinion of the Chair of the hearing, the companion may have a conflict of interest or may prejudice the hearing;
- If the companion is unavailable at the time a hearing is scheduled and will not be available for more than seven days afterwards.

10.3 The Chair of the hearing has the discretion to permit an employee to be accompanied by someone other than a work colleague or trade union representative in certain circumstances. For example, if this assists the employee in overcoming a disability, where the employee has difficulty understanding English or where, due to the sensitive nature of a case, the most appropriate support is provided from someone outwith SFRS. In these circumstances, guidance should be taken from a representative from HR. Legal representation is not permitted at investigation interviews or grievance or appeal hearings.

11. CONFIDENTIALITY

- 11.1 Grievance matters should be dealt with fairly, sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a grievance matter.
- 11.2 Employees and any representative must not make electronic recordings of any meetings or hearings conducted under this procedure, unless this has specifically been agreed by the Chair beforehand as a reasonable adjustment in relation to a protected characteristic under the Equality Act 2010.

12. COLLECTIVE GRIEVANCES

- 12.1 Where the basis of the grievance is recognised by the Service or the recognised Trade Union to be a collective issue, the matter will be considered by a suitable Principal Officer.
- 12.2 Any subsequent collective grievance appeal should be considered by a higher level of management (up to Chief Officer level) than that which heard the original collective grievance.

13. GRIEVANCE AND DISCIPLINE

- 13.1 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. Each matter will be assessed on a case by case basis. Advice should be sought from an HR representative in these circumstances.

14. ASSOCIATED DOCUMENTS / REFERENCES

- Consultation and Negotiation Procedure
- Dignity and Integrity at Work Policy
- Disciplinary Policy and Procedure
- Equality Impact Assessment – Grievance Policy and Procedure
- Grievance Flowchart
- Grievance Frequently Asked Questions
- Grievance Template Letters:
 - G01 Invite to Formal Grievance
 - G02 Outcome of Formal Grievance
 - G03 Invite to Grievance Appeal
 - G04 Outcome of Grievance Appeal
- Notification of Grievance Form

- ACAS Code of Practice on Disciplinary and Grievance Procedures
- Equality Act 2010
- Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012