

NHSScotland Workforce Grievance Policy

1. Grievance

1.1 Aim

1.1.1 To offer a clear process for all parties to air their differences and seek resolution.

1.2 Scope

1.2.1 This policy applies to all employees. In addition it applies to workers such as bank, agency and sessional workers. References to employees should be taken to apply to workers unless otherwise stated.

1.2.2 A grievance is a complaint from an employee or group of employees (collective grievance) regarding their working situation.

1.2.3 Potential areas of grievance include but are not limited to:

- terms and conditions of employment
- health and safety
- new working practices
- organisational change

1.2.4 If the complaint is about working relationships, please refer to the [NHSScotland Bullying and harassment policy](#)¹

1.2.5 This Policy is compliant with current legislation and will meet the aims of the [Public Sector Equality Duty](#)² of the [Equality Act 2010](#)³.

1.3 Definitions

1.3.1 A **collective grievance** occurs when a group of employees have a shared grievance related to their employment situation.

1.3.2 An **individual grievance** occurs when one employee has a grievance related to their working situation.

1.3.3 **Status quo** is defined as the working arrangements in place at the time that the grievance is raised. In line with the Staff Governance Standard, if employees have not been involved in the decisions that have affected them, it is the working arrangements in place prior to the change that apply.

1.4 Roles and responsibilities

1.4.1 There are a range of standard expectations on all parties including HR, Trade Union representatives and Occupational Health which underpin all policies. Read more about standard [roles and responsibilities](#)⁴. In addition, the following specific responsibilities apply to this policy:

1.4.2 Line Manager

The line manager should:

- discuss concerns at the earliest opportunity, utilising early resolution to manage the issue without delay
- attempt to resolve issues raised by employees fairly, consistently and in a timely manner
- keep employees fully informed on progress relating to the grievance

1.4.3 Employee

The employee should:

- actively participate in the process in an attempt to address the issue without delay
- co-operate with others in ways which help to resolve issues
- tell the employer what outcome they are looking for

1.5 Procedure

5.5.1 Status Quo

1.5.1.1 The use of status quo provides stand still arrangements to allow work to continue while attempts are made to resolve the grievance.

1.5.1.2 Wherever possible, the status quo should remain in place until the grievance process has concluded.

1.5.1.3 The status quo may be set aside where:

- a continuation of status quo will result in a breach of statutory or other mandatory regulations, including patient safety issues
- an agreement is reached by all parties to do so
- the grievance is about a change or action already agreed by management and trade unions

1.5.2 Early Resolution

1.5.2.1 The route for grievance is shown in the [Grievance policy flowchart](#)⁵ which outlines the procedure through both the early resolution and formal stages.

1.5.2.2 When one or more employees feel aggrieved about an issue, it should be raised in the first instance with their line manager. Where this is not possible or appropriate, early resolution can be sought with the next level of management.

1.5.2.3 The manager must acknowledge the grievance in writing, using the early resolution [individual](#)⁶ or [collective](#)⁷ grievance acknowledgement letter inviting the employee to meet to discuss the grievance within 14 calendar days, from first notification.

1.5.2.4 Managers and employees are encouraged to deal with the grievance at the early resolution stage. In many instances, conversations between the manager and an employee will be sufficient to ensure that the grievance matter is resolved.

1.5.2.5 The outcome of this discussion will be confirmed in writing to the employee within 7 calendar days, using the early resolution [individual](#)⁸ or [collective](#)⁹ grievance outcome letter.

1.5.2.6 Consideration can be given to use of a third party, who has relevant specialist knowledge, to assist with early resolution, if agreed by both parties.

1.5.3 Formal Procedure

1.5.3.1 If the grievance cannot be resolved during early resolution, the employee may choose to initiate the formal procedure. They should complete the Stage 1 Grievance notification form for [individual grievance](#)¹⁰ or [collective grievance](#)¹¹ and submit this to the manager identified in the early resolution outcome letter within 14 calendar days of receiving the written outcome.

1.5.3.2 Dependent on the complexity of the case, the requirement for an investigation can be agreed by both parties or an investigation can be commissioned by the Grievance

Hearing panel at Stage 1 or 2. The findings of the investigation will be presented at the Hearing. Find out more about the [NHSScotland Workforce Policy Investigation Process](#)¹².

1.5.3.3 The Chair of any panel must have the authority to determine an appropriate outcome.

1.5.4 **Stage 1**

1.5.4.1 The Grievance will be acknowledged in writing, using the Stage 1 [individual](#)¹³ or [collective](#)¹⁴ grievance acknowledgement letter and provisional timescales advised. The letter will be sent within 7 calendar days from receipt of the grievance being raised or progressed.

1.5.4.2 The Stage 1 panel will consist of a manager, according to the scheme of delegation, as Chair and an HR representative. To ensure impartiality all panel members, must have had no prior involvement in the case.

1.5.4.3 Other persons in attendance will normally include:

- the employee
- a Trade Union representative or work colleague
- the manager who received the grievance
- the HR representative supporting the manager
- any witnesses called by either party. Witnesses will have the right to be accompanied and will only be present when giving their own evidence

1.5.4.4 The Chair will be responsible for writing to all parties no later than 14 calendar days in advance of the hearing and requesting written statements to be shared 7 calendar days before. The Grievance notification form will be copied to the manager presenting the case.

1.5.4.5 All grievance hearing outcomes will be confirmed in writing to the employee and their representative within 7 calendar days of the hearing, using the Stage 1 [individual](#)¹⁵ or [collective](#)¹⁶ grievance outcome letter.

1.5.5 **Stage 2**

1.5.5.1 In the event that the employee(s) remains dissatisfied the matter should be referred to the second and final formal stage.

1.5.5.2 The employee should complete the Stage 2 [individual](#)¹⁷ or [collective](#)¹⁸ grievance notification form and submit this to the manager identified in the Stage 1 outcome letter within 14 calendar days of receiving the written outcome.

1.5.5.3 The Stage 2 panel will comprise of a manager, according to the scheme of delegation, as Chair and an HR representative. To ensure impartiality, all panel members must have had no prior involvement in the case.

1.5.5.4 Other persons in attendance will normally include:

- the employee
- a Trade Union Representative or work colleague
- the Stage 1 Hearing Chair
- the HR representative supporting Stage 1 Hearing chair
- any witnesses called by either party. Witnesses will have the right to be accompanied and will only be present when giving their own evidence

1.5.5.5 The Chair will be responsible for writing to all parties no later than 14 calendar days' in advance of the hearing and requesting written statements to be shared 7 calendar days before. The Grievance notification form will be copied to the manager presenting the case.

1.5.5.6 All grievance hearing outcomes will be confirmed in writing to the employee and their representative within 7 calendar days of the hearing, using the Stage 2 [individual](#)¹⁹ or [collective](#)²⁰ grievance outcome letter.

1.5.5.7 Unless wider organisational issues are identified this concludes the internal process.

1.5.6 **Collective grievances**

1.5.6.1 The process to be followed for collective grievances is as detailed for individual grievances, with the exception that all correspondence will be sent to the nominated employee representing the group and their representative.

1.5.6.2 At each stage of the process the group will be represented by a maximum of three people, including the Trade Union representative.

1.5.7 **Grievances with wider organisational consequences**

1.5.7.1 Where the grievance relates to an issue where the outcome might affect more than one individual and the issue cannot be resolved at Stage 2, it may be referred to the Director of Human Resources and Employee Director. They will be responsible for determining whether the grievance raised has wider organisational consequences beyond the aggrieved party.

1.5.7.2 Examples of issues with wider organisational consequences include:

- the application of terms and conditions of service
- the implementation of a Board-wide policy
- matters which could become litigious, or the focus of an industrial dispute

1.5.7.3 If agreed as having wider organisational consequences, the Director of Human Resources will organise a formal hearing, which will normally be heard by one non-executive and one executive member, supported by a senior member of the HR department not previously involved.

1.5.7.4 Outcomes will be confirmed in writing to the employee and their representative within 7 calendar days of the hearing, using the appropriate [standard letter template](#)²¹.

1.5.7.5 This concludes the internal process for cases which fall into this category.

1.5.8 **Grievances not concluded at the time of employment terminating**

1.5.8.1 If a grievance has been raised, but not concluded by the time the employment terminates, the grievance will be concluded with a paper review of the position and a written response given to the former employee within 28 calendar days of the employee's termination date.

1.5.9 **Post-employment grievances**

1.5.9.1 Should a former employee raise a grievance within 28 calendar days of the employment ending, the matter will be investigated and a response will be given in writing.

1.5.10 **Maintaining relationships**

1.5.10.1 It is recognised that working relationships can become strained as a result of the grievance procedure. These can be improved by accessing a supported conversation and / or mediation. Read the [Guide to supported conversations and mediation](#) ²².

1.5.11 Grievances / bullying and harassment complaints

1.5.11.1 Where an employee raises a further grievance or bullying and harassment complaint during consideration of a grievance, the grievance process may be temporarily suspended in order to deal with the grievance or complaint. Where the grievances and / or complaint are related, it may be appropriate to deal with both issues concurrently.

References

- ¹ NHSScotland Workforce Bullying and Harassment Policy
<https://workforce.nhs.scot/policies/bullying-and-harassment-policy-overview/>
- ² Public Sector Equality Duty
<https://workforce.nhs.scot/about/principles-and-values/>
- ³ Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/contents>
- ⁴ Roles and responsibilities
<https://workforce.nhs.scot/about/roles-and-responsibilities/>
- ⁵ Grievance Policy: flowchart
<https://workforce.nhs.scot/media/k0yb51u3/nhsscotland-workforce-grievance-policy-flowchart.pdf>
- ⁶ Grievance Policy: Early Resolution individual grievance acknowledgement letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-early-resolution-individual-grievance-acknowledgement-letter/>
- ⁷ Grievance Policy: Early Resolution collective grievance acknowledgement letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-early-resolution-collective-grievance-acknowledgement-letter/>
- ⁸ Grievance Policy: Early Resolution individual grievance outcome letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-early-resolution-individual-outcome-letter/>
- ⁹ Grievance Policy: Early Resolution collective grievance outcome letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-early-resolution-collective-grievance-outcome-letter/>
- ¹⁰ Grievance Policy: Stage 1 individual grievance notification form
<https://workforce.nhs.scot/supporting-documents/form/grievance-policy-stage-1-individual-grievance-notification-form/>
- ¹¹ Grievance Policy: Stage 1 collective grievance notification form
<https://workforce.nhs.scot/supporting-documents/form/grievance-policy-stage-1-collective-grievance-notification-form/>
- ¹² NHSScotland Workforce Policies Investigation Process
<https://workforce.nhs.scot/policies/workforce-policies-investigation-process-overview/>
- ¹³ Grievance Policy: Stage 1 individual grievance acknowledgement letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-stage-1-individual-grievance-acknowledgement-letter/>
- ¹⁴ Grievance Policy: Stage 1 collective grievance acknowledgement letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-stage-1-collective-grievance-acknowledgement-letter/>

- ¹⁵ Grievance Policy: Stage 1 individual grievance outcome letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-stage-1-individual-grievance-outcome-letter/>
- ¹⁶ Grievance Policy: Stage 1 collective grievance outcome letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-stage-1-collective-grievance-outcome-letter/>
- ¹⁷ Grievance Policy : Stage 2 individual grievance notification form
<https://workforce.nhs.scot/supporting-documents/form/grievance-policy-stage-2-individual-grievance-notification-form/>
- ¹⁸ Grievance Policy : Stage 2 collective grievance notification form
<https://workforce.nhs.scot/supporting-documents/form/grievance-policy-stage-2-collective-grievance-notification-form/>
- ¹⁹ Grievance Policy : Stage 2 individual grievance outcome letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-stage-2-individual-grievance-outcome-letter/>
- ²⁰ Grievance Policy : Stage 2 collective grievance outcome letter
<https://workforce.nhs.scot/supporting-documents/letter-template/grievance-policy-stage-2-collective-grievance-outcome-letter/>
- ²¹ NHSScotland Workforce Grievance Policy : supporting documents
<https://workforce.nhs.scot/policies/grievance-policy-overview/grievance-policy/#supporting-documents>
- ²² Guide to supported conversations and mediation
<https://workforce.nhs.scot/supporting-documents/guides/guide-to-supported-conversations-and-mediation/>