



The Scottish Parliament
Pàrlamaid na h-Alba

Guidance for Managers Handling a Grievance

Stiùireadh airson Manaidsearan
a tha a' dèiligeadh ri Cùis-
gearain

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Introduction

As a line manager, you will be responsible for hearing any grievances raised by your staff. It is your role as the line manager to ensure that any grievance is dealt with fairly, consistently and within a reasonable timescale.

If the grievance is against a member of staff in another business area, you should seek advice from the Human Resources Office who will tell you how you should proceed. If the complaint is against someone in the Human Resources Office, you should seek advice (through your Head of Office/ Group if appropriate) from the Head (or Deputy Head) of HR or the Assistant Clerk/Chief Executive with line responsibility for HR (whichever is the most appropriate) on how to proceed.

General Principles

When dealing with a grievance you should:

- always seek the advice and guidance of the Human Resources Office at the outset and ensure that you are familiar with the procedure and able to apply it correctly;
- ensure that the complainant can raise the grievance with someone else if the grievance relates to you and you have exhausted the informal stage;
- deal with grievances sensitively, particularly where they concern other employees, and keep the process as confidential as possible;
- hold any meetings in private and without interruptions;
- listen carefully to the person's explanation of the problem and consider whether there is a deeper issue which might be the root cause;
- listen to any conflicting points of view and weigh up all the evidence to see whether there is an issue you need to address;
- decide what action to take, trying to balance fairness to the complainant without compromising the needs of the business or the rights or reasonable expectations of other employees;
- inform all concerned parties of your decision and the appeal process;
- advise the complainant that, even if the grievance is upheld, it will not necessarily result in disciplinary action being taken against the person who has been responsible for causing the employee to be aggrieved;
- advise the complainant that they will be told whether or not the grievance has been upheld. The complainant should also be told however that, because an employer has a duty of confidence to all employees, the complainant will not be informed of the outcome of disciplinary action taken in relation to the complaint;
- ensure that you take action to resolve any problems relating to policies, procedures or conduct where the grievance procedure has highlighted these. This might include referring the matter to a more senior manager.

General Questioning and Discussion

Ideally, the complainant should take the lead in this discussion since it is he or she who requested the meeting. However, you may have to encourage an open and frank discussion and to do this you should:

- keep the approach formal and polite but encourage the complainant to talk freely with a view to establishing all the facts;
- be fair and impartial;
- use questions to clarify all the issues and the desired outcome and to check that what has been said is understood (reflecting what has been said to you and frequent short summaries are helpful in this regard);
- remain calm and in control of the meeting and avoid becoming involved in an argument; and
- be careful not to make any remarks that may cause offence.

Procedural steps - Informal resolution of the grievance

By far the best way to manage a grievance is to do so informally. As a line manager, you should ensure that the working environment is one in which staff feel comfortable enough to raise with you, on a face to face basis, any issues they may have and are encouraged to pursue an informal route to grievance resolution in the first instance. In general, grievances are more likely to be resolved satisfactorily if they are addressed as close to the source of the problem as possible. An informal approach has advantages for all in that it may allow for problems to be resolved quickly and without damaging working relationships.

There are a number of options open to you if a member of staff raises an issue with you on an informal basis. For example, if the issue is about a working relationship that has broken down you could:

- listen to the complainant and take time to understand and probe the concern;
- encourage the complainant to resolve any issues face to face with the individual(s) concerned;
- offer to facilitate a tri-partite meeting to try to repair the relationship;
- offer to meet with the individual against whom the concern is raised and represent the views of the complainant to try to resolve the issue;
- suggest that the individual meets with a trade union representative or work colleague if they wish to discuss the issue on a confidential basis with someone outwith the business area;
- contact the Human Resources Office for advice on how to proceed;
- contact the Confidential Counselling and Information Service who may be able to offer you direct support and advice and may also be able to provide a conciliation or mediation service.

Procedural steps - Informal resolution of the grievance (Continued)

A number of these options may also apply to grievances that do not relate to a working relationship that has broken down. You should try to encourage anyone who raises a grievance to consider if it might be appropriate for the issue to be resolved through an informal approach and then take steps to facilitate this.

If the grievance is against a member of staff in another business area, the Human Resources Office will give you advice on how this is handled and who should deal with it.

If the informal approach does not work or it is not appropriate, however, you must deal with a complaint through the formal procedure. Guidance on the formal procedure is set out in more detail in the following paragraphs.

Operation of the Formal Grievance Procedure

The formal process is in place to:

- provide employees with a course of action if they have a complaint which they are unable to resolve with their line manager or colleague on an informal basis;
- provide points of contact and timescales to resolve issues of concern;
- try to resolve matters without recourse to an Employment Tribunal (ET).

On receiving a formal written grievance, you should, first of all, contact the Human Resources Enquiry Service (ext. 86500) for advice. A representative from the Human Resources Office will be assigned to the case and his or her role will be to guide and advise you through the following procedures to make sure that you deal with the grievance in line with the ACAS Code of Practice. You should ensure that you:

- invite the employee to attend a meeting and advise them that they have the right to be assisted at the meeting by a trade union representative or work colleague (there is no statutory entitlement to allow someone, other than a trade union representative, from outwith the organisation to assist the employee and the SPCB does not extend such an option to its employees);
- agree a time and place for the meeting with the employee within a reasonable time (and normally within 5 working days of receiving the written statement). You may delay the meeting and/ or hold a second meeting if you require to carry out an investigation into the complaint in order to consider it, however you must keep the employee informed of what you intend to do;



Operation of the Formal Grievance Procedure (Continued)

- circulate any relevant papers and documents to be referred to at the meeting in advance and advise recipients that these must be kept in strictest confidence;
- ensure that a factual and objective note of the meeting is taken;
- tell the individual if a third party is to take a note;
- allow the employee to explain their complaint fully and say how they think it should be resolved;
- consider in the course of the meeting whether or not it is necessary to call any witnesses. The complainant should have indicated any potential witnesses to you in advance of the meeting;
- adjourn the meeting if you reach a point where you need advice on how to deal with the grievance or you feel that further investigation is necessary;
- inform the employee of your decision as soon as possible after the meeting and inform him or her of their right to appeal if they are not satisfied. If possible, adjourn the meeting and reconvene later the same day to let the employee know your decision. This may not be possible, however, if the grievance is of a technical nature or if it requires extensive consideration before a decision is reached;
- confirm your decision in writing, (and normally within 5 working days of the meeting), detailing the right to appeal and the procedures for doing so (see stage 3 of the Formal Grievance Procedure).

Operation of the Appeals Process

If you are responsible for hearing an appeal, a representative from the Human Resources Office will provide you with a comprehensive brief.



Keeping Records

It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Records should include:

- the nature of the grievance raised;
- a copy of the written grievance;
- the employer's response;
- what was decided and action taken;
- reasons for action taken;
- whether there was an appeal and, if so, the outcome; and
- any subsequent developments.

You should pass all records to the representative from the Human Resources Office who will store them on the employee's personal file. The records will be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives employees the right to request and have access to certain personal data.

You should provide a copy of the meeting records to the complainant, including any formal minutes that may have been taken. The complainant should be asked to check and confirm the veracity of the minutes. The complainant can add a note to the minutes if they consider this necessary or indicate disagreement. In certain circumstances (for example to protect a witness) it might be appropriate to withhold certain information from the complainant. You should seek advice from the representative from the Human Resources Office if you consider this might be necessary.

Guidance for Managers Handling a Grievance (English only)

For further information contact:

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