



Workforce

Grievance Policy: guide for managers

This guide will help managers use the Grievance Policy when a complaint or issue is raised by one or a group of employees about their employment situation.

The following guide forms part of the standard for workforce policies that apply to all staff within NHS Scotland, regardless of which Board they are employed by.

The guide covers:

What is the purpose of the NHS Scotland Grievance Policy?	3
Formal hearings	4
Maintaining relationships	5
Failure to engage	5
Further grievances or bullying and harassment complaints	5

What is the purpose of the NHS Scotland Grievance Policy?

If one or a group of employees have a complaint or issue regarding their employment situation, then they can make use of the Grievance Policy to raise and resolve them.

Sometimes, issues about a situation or a change being made at work can become confused with an interpersonal difficulty between the employee and another individual in the workplace.

The Grievance Policy is to seek resolution on workplace issues or complaints. The Bullying and Harassment Policy should be used if there is an interpersonal difficulty. Further information can be found in the [Bullying and Harassment Policy : guide for managers](#).

If any employee is unsure which policy applies to their situation, then you should discuss this with them and see if you can try to clarify the appropriate route for their concern. Where you are able to resolve it easily, every effort should be made to do so at this discussion. Additionally, you can signpost them to seek confidential advice and support from:

- trade union representatives
- human resources
- confidential contacts

If one or more employees raise a grievance with you, then you should attempt to resolve the issues raised fairly, consistently and in a timely manner.

The first part of the process is called Early Resolution, which may have been called the informal stage in the past.

In many instances, conversations between you and the employee will be enough to resolve the grievance.

You are required to confirm the outcome of this meeting within 7 calendar days. You should use one of the following letter templates:

- [Individual grievance outcome letter](#)
- [Collective grievance outcome letter](#)

If no resolution is achieved from the meeting, the employee may choose to use the formal procedure, which requires them to complete one of the the following Stage 1 forms:

- [Individual grievance notification form](#)
- [Collective grievance notification form](#)

You should then submit it to the manager identified in the outcome letter within 14 calendar days of receiving it.

On receipt of the grievance notification form, the manager will:

- Acknowledge the grievance using the Stage 1 [individual grievance acknowledgement letter](#) or [collective grievance acknowledgement letter](#) within 7 calendar days, advising the employee of provisional timescales
- Discuss with them whether an investigation is needed, and if so, seek their agreement for that to take place, under the [NHS Scotland Workforce Policies Investigation Process](#).

Formal hearings

You will be invited to attend and present the management case to a hearing. This is set up for an independent panel to consider the issue the employee has raised and your response, so they can make a decision about the issue from the evidence presented. Find out more about the hearing format in our [Formal hearing guide](#).

After the hearing, the outcome will be confirmed in writing, with one of the following outcomes:

- grievance upheld
- grievance partially upheld
- grievance not upheld

Where the grievance is partially upheld, the panel has determined that some elements of the grievance have been supported, while other have not. The written outcome will clearly set out:

- which aspects of the grievance have been upheld and which have not
- the reasons for the panel's decision in relation to each element
- any actions, recommendations, or learning identified as a result of the upheld elements.

If not upheld, the employee has the right to raise their grievance at the second and final formal stage. If the grievance is partially upheld, the employee has the right to raise their grievance relating to the points which were not upheld at the second and final formal stage.

Maintaining relationships

There is an expectation that people will continue to work together at all stages wherever possible. You should offer appropriate support to enable this to happen.

Failure to engage

There may be occasions where the employee feels unable to attend a hearing. Where this is for health reasons, you should refer the employee to the Occupational Health Service to obtain advice as to when the employee will be in a position to do so or if there are alterations to the process which can be made to support their attendance.

If the employee intends to be supported or represented then the availability of all parties will be considered to agree on a suitable date for all parties. If employee's representative is unavailable, you should offer further dates to allow the hearing to happen.

Where the employee decides not to attend and there is no reasonable explanation for this, a second meeting should be offered. If the employee fails to participate, the panel will consider any reasons for this and whether to progress the hearing in their absence.

Further grievances or bullying and harassment complaints

If the employee raises another grievance or a bullying and harassment complaint while the original grievance is being considered, the grievance process may be temporarily suspended in order to deal with the new grievance or complaint. You should assess whether the grievances and complaints are related. If so, this may be dealt with as part of the same process.

If a related grievance is raised by another employee while the original grievance is being considered, you should assess:

- the dates that the grievances were received
- whether the related grievances should be heard by the same panel

- whether hearing outcome decisions should be deferred until all the grievances are heard

It will help you to determine the best approach.