

CAIRNGORMS NATIONAL PARK AUTHORITY GRIEVANCE POLICY

1.0 PURPOSE & SCOPE

- 1.1. This procedure applies to all staff and the aim of the National Park Authority is to ensure that everything possible is done by managers and employees to encourage and maintain good employee relations, in order to ensure a motivated workforce and the successful delivery of the aims and objectives of the National Park Authority. The National Park Authority is committed to dealing promptly, fairly, and consistently with employee complaints and this procedure provides a framework for doing so. This should not only result in staff concerns being addressed but also providing a way of reconciling any differences and implementing workable solutions.
- 1.2. This policy and procedure aims to ensure good practice by applying the standards set out in the relevant sections of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

2.0 PRINCIPLES

- 2.1 Issues that may cause grievances include: - terms and conditions of employment; health and safety; work relations; bullying and harassment; new working practices; working environment; organisational change; equal opportunities. Employees and managers should make every effort to resolve issues without recourse to the formal grievance procedure.
- 2.2 Employees raising a grievance should be able to do so without fear of victimisation.
- 2.3 All those involved in a grievance have a duty to act honestly and without malice to anyone else.
- 2.4 All those involved in a grievance procedure will respect the confidentiality and privacy of others.
- 2.5 At each stage of the formal procedure, individuals have the right to be accompanied by a fellow member of staff or by an appropriate representative of a recognised trade union. Individuals may not be accompanied by anyone acting as a legal representative at any stage of the procedure. The employee's companion should be allowed to address the meeting to put and sum up the employee's case, and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the worker's behalf
- 2.6 An employee has the right of appeal against the decision reached.
- 2.7 Arrangements will be made to take written records, agreed by both parties at each phase.

3.0 PROCEDURE

3.1 INFORMAL DISCUSSIONS

- 3.1.1 If you have a grievance about your employment you should discuss it informally with your line manager. A resolution at this point has the advantage of dealing with the problem quickly whilst maintaining good working relationships.
- 3.1.2 Informal discussions will normally be a one-to-one between an employee and their line manager. The line manager should establish the facts of the situation, then have an informal discussion with the employee to discuss the nature of the complaint, their findings and suggested solution(s)
- 3.1.3 If an employee's complaint refers to their immediate line manager then an employee can raise this through informal discussion with the next level of management.
- 3.1.4 If a grievance cannot be settled informally, the member of staff should invoke the formal grievance procedure.

3.2 FORMAL ACTION – STAGE I

- 3.2.1 If the employee feels that the matter has not been resolved through informal discussion, the employee should submit the grievance in writing to their immediate line manager, confirming the formal procedure is being invoked and giving details of the grievance. Where the grievance is against the immediate line manager, the letter detailing the grievance should be sent to the next level of management.
- 3.2.2 Within ten working days of receiving the letter of grievance, the manager will invite the employee to attend a meeting to discuss the grievance and their proposed resolution where they will have the right to be accompanied by a colleague or trade Union representative.
- 3.2.3 The manager will respond in writing to the grievance within five working days of the meeting, advising the employee of their right to appeal if they feel the grievance has not been resolved satisfactorily.

3.3 INVESTIGATION

- 3.3.1 A grievance meeting shall not be convened until a reasonable investigation has been undertaken.
- 3.3.2 The manager conducting the investigation shall seek to establish the facts by carrying out investigatory interviews with relevant staff. Any person interviewed will normally be advised that they may be requested to sign a written statement or appear at any subsequent grievance meeting.

3.4 CONVENING A GRIEVANCE MEETING

3.4.1 The employee concerned shall be given at least five working days notice in writing of the meeting and shall also be informed in the same letter:-

- the right to submit statements or other documentation
- copies of any documentation gathered during the investigation will be enclosed
- the right to be accompanied at the meeting by a trade union representative or work colleague;
- the possible outcomes of the meeting

3.5 CONDUCTING A GRIEVANCE MEETING

3.5.1 The employee will be given the opportunity to present their grievance.

3.5.2 Clarification on any issue can be sought from either party. The manager conducting the meeting shall ensure that the facts gathered during the investigation are presented to the employee.

3.5.3 The manager conducting the grievance meeting shall call an adjournment to consider all the points raised and the circumstances.

3.5.4 After deliberations, the meeting will reconvene and the employee and their representative will be advised of the outcome of the meeting.

3.6 OUTCOME OF GRIEVANCE MEETING

3.6.1 There are three outcomes for the manager to consider when deciding on the decision

- Uphold the complaint
- Partially uphold the complaint
- Not uphold the complaint

3.6.2 A decision will be made on the merits of each case taking into account the evidence presented at the meeting.

3.6.3 Unless the grievance is upheld in its entirety the employee will be informed that they can proceed to Stage 2 - appeal should they wish to.

4.0 FORMAL ACTION - STAGE 2 (APPEAL)

4.1 If the member of staff feels that the matter has still not been resolved to their satisfaction, an appeal can be made in writing to Human Resources in the first instance within 5 working days of receiving notification of the decision.

- 4.2 An appeal will be arranged within 10 working days. The appeal will be a further meeting with a senior manager/director not previously involved in the case. HR will be present at this meeting, and the member of staff may be accompanied by a working colleague or represented by a trade union official.
- 4.3 The matter will then be considered and a decision should be made and communicated in writing within five days of the meeting. This decision will be the final stage in the internal procedure

5.0 GRIEVANCE AGAINST THE CHIEF EXECUTIVE

- 5.1 In cases where a grievance is raised against the Chief Executive this will be referred to the Convener of the Authority.

6.0 GUIDANCE

- 6.1 The following flowchart illustrates the procedure to be followed:

