Committee report



Revised Grievance Policy

Committee Personnel

Date of meeting 28 April 2023 Date of report 18 April 2023

Report by Director of Finance & Corporate Support

1. Object of report

To recommend approval of the revised Grievance Policy, which has been subject to consultation with the recognised Trade Unions.

2. Background

SPT's Grievance Policy and Procedure mirrors the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures which was last published in March 2015.

SPT's Grievance Policy and Procedure was last reviewed in February 2021 and as a result of internal review, external benchmarking and legal advice has now been updated.

SPT's recognised Trades Unions have been consulted on all changes to the Grievance Policy and Procedure prior to implementation.

3. Outline of proposals

As part of SPT's review of the Grievance Policy, it has been updated to include new sections, clearly define stages in the process and reflect organisational changes.

The revised Grievance Policy and Procedure is designed to ensure that any grievance can be settled fairly and transparently, quickly and as near to its point of origin as possible.

SPT has also introduced an Individual Grievance Notification form at the informal stage of the process. This is intended to draw out issues and encourage dialogue and to seek resolution prior to the formal stage.

A summary of the recommended changes is attached at Appendix 1 with the full draft Grievance Policy and Procedure attached at Appendix 2.

4. Conclusions

SPT's Grievance Policy and Procedure has been updated to reflect the ACAS Code of Practice and latest best practice.

A summary of changes to the Grievance Policy and Procedure and proposed new Grievance Policy and Procedure are attached at Appendices 1 and 2 for information. Trade Unions,

Unite the Union and Unison have been consulted prior to adoption of the updated Grievance Policy and Procedure.

5. Committee action

The committee is recommended to approve the attached Grievance Policy and Procedure, which has been subject to consultation with the recognised Trade Unions.

6. Consequences

Grievance Policy and Procedure updated to reflect the Policy consequences

ACAS Code of Practice and good practice.

Grievance Policy and Procedure complies with legislation. Legal consequences

Financial consequences None.

Personnel consequences HR to ensure the changes are communicated to all SPT

employees.

Equalities consequences None envisaged.

Not updating the Grievance Policy and Procedure may Risk consequences

result in non-compliance with the ACAS Code of Practice

and good practice.

Climate Change, Adaptation

& Carbon Consequences

None directly.

Neil Wylie Name Name Valerie Davidson Title Director of Finance & **Title Chief Executive Corporate Support**

For further information, please contact Neil Wylie, Director of Finance & Corporate Support, on 0141-333 3380 or Janice Morgan, Head of HR, on 0141-333 3414.

APPENDIX 1

Summary of Changes to Grievance Policy

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
1.	1.	Statement of Policy		
1.1.	1.1		No changes	
1.2.	1.2.		No changes	
2.	2.	Scope of Policy		
2.1.	2.1.		To provide clarity on who is covered by the policy.	Line 1 – "all staff" changes to read "all employees only". Additional sentence "It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
	2.2.		To define "line manager" in terms of management responsibility for this policy.	Any reference to "line manager" in this policy includes all of those who have management responsibility for employees. The definition may include Head of, Manager, Supervisor or Team Leader.
2.2.	2.3.		Renumbered 2.3.	
2.3.	2.4.		To include reference to SPT's Whistleblowing Policy and guidance for employees on where it is appropriate to raise the matter under this policy.	SPT also operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where an employee feels they have been victimised for an act of whistleblowing, the employee may raise the matter under this policy.

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
	2.5		Update/Review	This policy does not form part of any contract of employment or other contract to provide services, and SPT may amend it at any time following consultation with the recognised trade unions.
3.	3.	Legislation		
			To reflect current ACAS Code of Practice on Disciplinary and Grievance Procedures and highlighting reasonable adjustments made for employees throughout the grievance process. Changed to read "This policy and associated pro are designed to be consistent with the principles so the ACAS Code of Practice on Disciplinary and Grievance procedures." Added - "If an employee has difficulty at any stag Grievance Procedure because of a disability or be English is not their first language, the employee discuss the situation with their line manager, or Department, as soon as possible."	
4.	4.	Principles		
4.1	4.1		No changes	
4.3 – 4.9			Section removed. Incorporated into Section 7.	
	5.	Roles and Responsibilities		
	5.1	Line Manager	Update/Review	 The line manager should: discuss concerns at the earliest opportunity and try to resolve the issue informally at the earliest opportunity 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.

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
	5.2	Employee	Update/Review	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 line manager what outcome they are looking for.
5.	5.3	Human Resources	Highlights HR's attendance specifically at formal grievances.	Line 1 – "formal" added.
	6.	Resolve Issues Informally		
	6.1		Update/Review	Most grievances can be resolved quickly and informally through discussion with an employee's line manager. Accordingly, if an employee feels aggrieved about an issue, it should be raised in the first instance, without undue delay, with their line manager. If the grievance is about or involves the line manager then it should be raised with the next level manager.
	6.2		Update/Review	The employee may detail the nature of the informal grievance in writing but this is not necessary and does not preclude the direct personal approach in the first instance. The line manager must acknowledge the informal grievance and arrange to discuss the informal grievance with the employee without undue delay.
	6.3		Update/Review	Line managers and employees are encouraged to deal with informal grievances at an early stage. In many instances, conversations between the line manager and employee will be sufficient to ensure that the grievance matter is resolved.
	6.4		Update/Review	Where a grievance is resolved informally, the line manager will make a written record of the matters discussed with the employee and the conclusions reached. A copy of the written record will be passed to the HR Department to be retained on the employee's personnel file.
4.2	6.5		Update/Review	If the employee feels that the grievance has not been satisfactorily resolved via the informal procedure then they can raise the issue formally, as set out in Section 7.

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
	7.	Formal – Stage 1		
	7.1		Update/Review	If the employee feels that the grievance has not been satisfactorily resolved at the informal sage then they can, without undue delay, raise the matter formally by detailing in writing the nature of the grievance to the appropriate next level line manager using the Notification of Individual Grievance Form (see Appendix A).
4.3	7.2		Changes as per Section 2.2	Line 1 - Changed "supervisor" to "line manager" Line 2 - Changed "five" to "5"
4.4	7.3		Renumbered to 7.3	
4.5	7.4		Renumbered to 7.4	
4.6	7.5		Renumbered to 7.5. Update/Review	"manager" changed to read "line manager"
4.7	7.6		Renumbered to 7.6	Added – "The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the aggrieved employee and any witnesses, and/or reviewing relevant documents." "delay" changed to read "undue delay" Added – "Employees must co-operate fully and promptly in any investigation. This may include confirming the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation."
	7.7		Update/Review	An investigation may be initiated before holding a grievance meeting where it is considered appropriate. In other cases, a grievance meeting may be held before deciding what investigation (if any) is to be carried out. In those cases, a further grievance meeting will be held before a decision is reached.
4.8	7.8		Renumbered to 7.8. Update/Review	Line 2 – added "and usually within 10 working days" "along" changed to read "together" "actions" changed to read "further action" "require" changed to read "requires"

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
				Added line – "The employee will be reminded of the right of appeal. Where appropriate, a meeting may be held to give the employee the outcome of the grievance in person".
4.9	7.9		Renumbered to 7.9 Update/Review	"supervisor" changes to read "line manager"
7	8.	Formal Stage 2 - Right of Appeal		
7.1	8.1		Renumbered 8.1. Update/Review	"five" changed to read "5". "original" changed to "stage 1" Line 4 - word "clearly" added.
7.2	8.2		Renumbered 8.2	Line 4 – word "the" removed "at stage 1" added.
7.3	8.3		Renumbered 8.3. Update/Review	"manager" changed to "line manager" "original hearing" changed to "formal grievance stage 1"
	8.4		Update/Review	The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible and usually within 10 working days after its conclusion, together with any further action that requires to be taken to resolve the grievance. It the appeal is not upheld, the reason(s) for that decision should be given. Where appropriate, a meeting may be held to give the employee the outcome of the grievance in person.
7.5	8.5		Renumbered 8.5. Update/Review	"manager" changed to "line manager"
7.6	8.6		Renumbered 8.6	
	9.	Collective Grievances		
7.7.1	9.1		Renumbered 9.1. Update/Review	Line 2 – word "formal" added
7.7.2	9.2		Renumbered 9.2	
	9.3		Update/Review	At each stage of the collective grievance process, the group of employees will be represented by a maximum of three people, including any trade union representative(s).

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
	10.	Grievances not Concluded at the Time of Employment Terminating		
	10.1		Update/Review	If a formal grievance has been raised, but not concluded by the time the employee's employment terminates, the formal grievance will be concluded with a paper review of the position and a written response given to the former employee within 20 working days of the employee's termination date. The employee will have the right to appeal the decision in accordance with the procedure laid out in this policy.
6	11.	Right to be Accompanied		
6.1	11.1		Renumbered 11.1. Update/Review	Line 1 – "formal" added
6.2	11.2		Renumbered 11.2	
6.3	11.3		Renumbered 11.3	
6.4	11.4		Renumbered 11.4. Update/Review	Added – "If the employee's chosen companion will not be available for more than 5 working days, the employee may be asked to choose someone else."
	11.5		Update/Review	At the hearing, the employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee may talk privately to their companion during the course of the hearing.
	11.6		Update/Review	Acting as a companion is voluntary and colleagues of the employee are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion
	12.	Support and Wellbeing		
	12.1		Update/Review	SPT recognises that individuals involved in a grievance process may feel anxious. The employee assistance programme PAM Assist is available to all SPT employees if they feel they need additional support at this time.

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
	12.2		Update/Review	We also recognise that working relationships can become strained during a grievance process. Please speak to you line manager or appropriate next level manager for advice and support.
	12.3		Update/Review	Further information can be found in SPT's Health and Wellbeing Policy which can be found in the policies section of the intranet at http://spt.intranet.uk/wp-content/uploads/2012/11/health-and-wellbeing-policy-issue-0.04-08.02.2021-1.pdf
8.	13.	Training		
			Renumbered 13.	
9.	14.	Data Protection and UK GDPR		
			Renumbered 14.	
10.	15.	Review and Update		
			Change in Line Management	Change from "Assistant Chief Executive" to "Director of Finance & Corporate Support"
11.	16.	Approval and Signature		
			Change in Line Management	Change from "Valerie Davidson" to "Neil Wylie" Change from "Assistant Chief Executive" to "Director of Finance & Corporate Support"

Added SPT Grievance Policy Stage 1: Individual Grievance Notification Form (Appendix A)



STRATHCLYDE PARTNERSHIP FOR TRANSPORT

GRIEVANCE POLICY AND PROCEDURE

(INCORPORATING THE PROCEDURE TO ADDRESS ISSUES OF BULLYING, HARASSMENT AND VICTIMISATION)

Version Number	Purpose/Change	Author	Date
0.03	Updated to reflect current legislation and organisational changes.	Janice Morgan, Head of HR	01/11/2020
0.04	Updated to reflect changes to Data Protection legislation	Janice Morgan, Head of HR	08/02/2021
0.05	Updated to include new sections, clearly define stages in the process and organisational changes.	Janice Morgan, Head of HR	25/04/2022



1. Policy

1. Statement of Policy

- 1.1. Strathclyde Partnership for Transport (SPT) recognises that an employee may at some time have problems or concerns about their work, working conditions or relationships that they wish to talk about with management.
- 1.2. This policy is designed to ensure that these grievances can be settled fairly and transparently. It is also intended that any grievance can be settled quickly and as near to its point of origin as possible. If these objectives can be achieved then problems can be resolved before they can develop into major difficulties for all concerned. SPT prefers, wherever possible, to resolve problems informally but recognise that circumstances may require formal steps to be taken.

2. Scope of Policy

- 2.1. This policy and its associated procedures apply to all employees only, with the exception of those under Chief Officials' conditions who are subject to a separate grievance policy and procedure. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
- 2.2. Any reference to "line manager" in this policy includes all of those who have management responsibility for employees. The definition may include Head of, Manager, Supervisor or Team Leader.
- 2.3. If an employee feels that they have been subjected to bullying, harassment or victimisation then they should use the procedures set out in this grievance policy and procedure.
- 2.4. Certain matters are excluded from the remit of this policy. This includes matters of discipline, matters concerning the interpretation of National Agreements, and matters concerning the grading of posts. SPT also operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where an employee feels they have been victimised for an act of whistleblowing, the employee may raise the matter under this policy.
- 2.5. This policy does not form part of any contract of employment or other contract to provide services, and SPT may amend it at any time following consultation with the recognised trade unions.



3. Legislation

This policy and associated procedures are designed to be consistent with the principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures. If an employee has difficulty at any stage of the Grievance Procedure because of a disability or because English is not their first language, the employee should discuss the situation with their line manager, or the HR Department, as soon as possible.

4. Principles

- 4.1. In order to ensure fairness and transparency the following principles will apply:
 - Grievance issues raised will be dealt with promptly.
 - Grievance issues raised will be dealt with consistently.
 - Grievance issues will be investigated to establish the facts.
 - Employees will have the right to put their case at a hearing.
 - Employees will have the right to be accompanied at the hearing.
 - Employees will have the right to appeal against any decision made at thathearing.
 - Employees and their companions should take reasonable steps to attendgrievance and appeal hearings.
 - All reasonable steps should be taken to ensure confidentiality is maintainedthroughout the process.

5. Roles and Responsibilities

5.1. Line Manager

The line manager should:

- discuss concerns at the earliest opportunity and try to resolve the issue
 - informally at the earliest opportunity 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.

5.2. **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 line manager what outcome they are looking for.



5.3. Human Resources

A member of the HR Department will attend all formal grievance hearings to provide guidance on the process. While at the hearing the HR representative will keep a written note of what occurs. A copy of this will be made available to the employee raising the grievance.

6. Resolving Issues Informally

- 6.1. Most grievances can be resolved quickly and informally through discussion with an employee's line manager. Accordingly, if an employee feels aggrieved about an issue, it should be raised in the first instance, without undue delay, with their line manager. If the grievance is about or involves the line manager then it should be raised with the next level manager.
- 6.2. The employee may detail the nature of the informal grievance in writing but this is not necessary and does not preclude the direct personal approach in the first instance. The line manager must acknowledge the informal grievance and arrange to discuss the informal grievance with the employee without undue delay.
- 6.3. Line managers and employees are encouraged to deal with informal grievances at an early stage. In many instances, conversations between the line manager and employee will be sufficient to ensure that the grievance matter is resolved.
- 6.4. Where a grievance is resolved informally, the line manager will make a written record of the matters discussed with the employee and the conclusions reached. A copy of the written record will be passed to the HR Department to be retained on the employee's personnel file.
- 6.5. If the employee feels that the grievance has not been satisfactorily resolved via the informal procedure then they can raise the issue formally, as set out in Section 7.

7. Formal – Stage 1

- 7.1. If the employee feels that the grievance has not been satisfactorily resolved at the informal stage then they can, without undue delay, raise the matter formally by detailing in writing the nature of the grievance to the appropriate next level line manager using the Notification of Individual Grievance Form (see Appendix A).
- 7.2. The line manager should then arrange a formal hearing to consider the employee's grievance. This hearing should be organised within 5 working days of receipt ofthe written grievance.



- 7.3. At the hearing the employee will be allowed to explain their grievance and how they think it should be resolved.
- 7.4. Once the employee has been allowed to explain their grievance there should be discussion and dialogue between the parties aimed at resolving the problem in a reasonable way.
- 7.5. After conclusion of the discussion there should be a recess to enable the management representatives to consider their response to the grievance. When the hearing resumes the line manager should inform the employee of their decision and the reasons for that decision.
- 7.6. There may be occasions where further investigation is required to enable a decision to be arrived at. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the aggrieved employee and any witnesses, and/or reviewing relevant documents. In such circumstances the hearing should be put in temporary abeyance to enable the investigation to take place and reconvened when the investigation is complete. In such circumstances further investigation will be concluded without undue delay. Employees must co-operate fully and promptly in any investigation. This may include confirming the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.
- 7.7. An investigation may be initiated before holding a grievance meeting where it is considered appropriate. In other cases, a grievance meeting may be held before deciding what investigation (if any) is to be carried out. In those cases, a further grievance meeting will be held before a decision is reached.
- 7.8. The outcome of the hearing should be confirmed in writing to the employee as soon as possible and usually within 10 working days after its conclusion, together with any further action that requires to be taken to resolve the grievance. If the employee's grievance is not upheld, the reason(s) for that decision should be given. The employee will be reminded of the right of appeal. Where appropriate, a meeting may be held to give the employee the outcome of the grievance in person.
- 7.9. Where an employee has failed to attend a grievance hearing, on at least two occasions, without good cause the line manager will make a decision on the evidence available.

8. Formal Stage 2 - Right of Appeal

1.1.

8.1. If an employee feels their grievance has not been satisfactorily resolved they have the right to appeal that decision. They should do so in writing within 5 working days of receipt of the written decision of the stage 1 hearing. The employee should clearly state the grounds of their appeal.



The letter of appeal should be sent to the HR Department who will arrange for the appeal to be heard.

- 8.2. The appeal will normally be heard by a manager who will be more senior than theofficer who heard the formal grievance and who has not been previously involved in the case. Where this is not possible the appeal will be heard by an officer at tesame level as the one who heard the formal grievance at stage 1.
- 8.3. The line manager hearing the appeal will review all information from the formal grievance at stage 1.
- 8.4. The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible and usually within 10 working days after its conclusion, together with any further action that requires to be taken to resolve the grievance. It the appeal is not upheld, the reason(s) for that decision should be given. Where appropriate, a meeting may be held to give the employee the outcome of the grievance in person.
- 8.5. Where an employee has failed to attend an appeal hearing, on at least two occasions, without good cause the line manager will make a decision on the evidence available.
- 8.6. Confirmation of the decision of the appeal hearing will conclude the Grievance process.

9. Collective Grievances

- 9.1. Line Managers should also try to resolve collective grievances quickly and informally through discussion with the appropriate Trade Union Convenor.
- 9.2. If there is a collective of employees in agreement raising a grievance, they will be entitled to only one formal grievance hearing and one appeal hearing. Employees will be notified individually of the outcome of each stage of the process. If the employees' grievances are not identical, the grievances will be heard on an individual basis.
- 9.3. If collective employees are of the same trade union and have nominated a Trade Union Official to act on their behalf, the Trade Union Official will be notified of the outcome of each stage of the process.
- 9.4. At each stage of the collective grievance process, the group of employees will be represented by a maximum of three people, including any trade union representative(s).



- **10.** Grievances not Concluded at the Time of Employment Terminating
 - 10.1. If a formal grievance has been raised, but not concluded by the time the employee's employment terminates, the formal grievance will be concluded with a paper review of the position and a written response given to the former employee within 20 working days of the employee's termination date. The employee will have the right to appeal the decision in accordance with the procedure laid out in this policy.

11. Right to be Accompanied

- 11.1. An employee has the right to be accompanied at a formal grievance hearing or an appeal hearing by a work colleague or a Trade Union Official.
- 11.2. The Trade Union Official must be certified by their Union that they are competent and able to accompany an employee. The Trade Union should inform the HR Department of the names of any eligible lay or full-time official whom they wish to carry out this role.
- 11.3. To exercise the right to be accompanied an employee should first contact a member of the HR Department, identifying the representative/companion they wish to attend.
- 11.4. Where a Trade Union Official or work colleague is unavailable on the day of the scheduled hearing, the hearing will be rescheduled, provided that the employee can propose an alternative time and date within 5 working days of the original scheduled date. If the employee's chosen companion will not be available for more than 5 working days, the employee may be asked to choose someone else.
- 11.5. At the hearing, the employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee may talk privately to their companion during the course of the hearing.
- 11.6. Acting as a companion is voluntary and colleagues of the employee are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

12. Support and Wellbeing

- 12.1. SPT recognises that individuals involved in a grievance process may feel anxious. The employee assistance programme PAM Assist is available to all SPT employees if they feel they need additional support at this time.
- 12.2. We also recognise that working relationships can become strained during a grievance process. Please speak to you line manager or appropriate next level manager for advice and support.



12.3. Further information can be found in SPT's Health and Wellbeing Policy which can be found in the policies section of the intranet at http://spt.intranet.uk/wp-content/uploads/2012/11/health-and-wellbeing-policy-issue-0.04-08.02.2021-1.pdf

13. Training

Given the importance and sensitivity of this policy it is the responsibility of the Strategy Group (and delegated as appropriate) to ensure that managers and supervisory staff are adequately trained.

14. Data Protection and UK GDPR

SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing them as part of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with SPT's Information Security Incident reporting process immediately.

15. Review and Update

This policy will be reviewed and updated as appropriate by the Director of Finance & Corporate Support and HR after consultation with our recognised trade unions.

16. Approval and Signature

Sign:	Print: Neil Wylie
Date:	Designation: Director of Finance & Corporate Support



Appendix A

SPT Grievance Policy

Stage 1: Individual Grievance Notification Form

Strictly Confidential

This form should be completed by the employee when raising a formal grievance. The employee should send the completed form to their line manager or next level of management if the grievance concerns the line manager.

Name of employee raising the grievance:
Job Title:
Department and Location:
Preferred Contact Details:
Phone:
Email: Address:
Have you discussed your concerns with your line manager and attempted to resolve your issue(s) informally? Yes □ No □
If YES, please give reasons for not being satisfied with the outcome?
If not, please indicate why not?



Please indicate what you would consider to be a satisfactory outcome:
petails of grievance being raised: (please attach any relevant documents)
(please attach any relevant documents)
lame of Trade Union representative (if applicable):
lame of Trade Union representative (if applicable):
rade Union representative contact details:
Phone:



	Email: Address:
S	Signed:
	Please note if sent electronically, please attach this form to a covering email sent from your work email address.
С	Date: