

# Report

Report to:	<b>Corporate Resources Committee</b>
Date of Meeting:	<b>16 November 2005</b>
Report by:	<b>Executive Director (Corporate Resources)</b>

Subject:	<b>Statutory Grievance Procedure</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise on action taken in terms of Standing Order No 36(c), because of the timescales involved, by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to agree a procedure to deal with Statutory Grievances where the complainer does not wish to use the Council's agreed Grievance Procedures.

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to approve the new Statutory Grievance Procedure, be noted.

## 3. Background

3.1. In terms of the Employment Act 2002, prior to lodging a claim at an Employment Tribunal, employees must submit a statutory grievance which the employer must deal with in a prescribed way and within a set timescale.

## 4. Current Position

- 4.1. Our existing grievance procedures have been agreed with the Trade Unions and follow national models and would be used in nearly all cases. However, if an employee insists on invoking the Statutory Procedure, there is a requirement to hold a grievance meeting and, if necessary, a final appeal within 28 days of the grievance being submitted.
- 4.2. Failure by the employer to comply with this will result in any Tribunal award being automatically increased by between 10% and 50%.
- 4.3. It is not possible to comply with this timescale in terms of our existing procedure and therefore a specific "Statutory Grievance Procedure" is required.
- 4.4. The proposed Procedure would be that Statutory Grievances are dealt with as shown in appendix 1.

## 5. Employee Implications

5.1. None.

## **6. Financial Implications**

6.1. None.

## **7. Other Implications**

7.1. None.

## **8. Consultation**

8.1. Consultation with the Trade Unions has taken place.

**Alan Cuthbertson**  
**Executive Director (Corporate Resources)**

24 October 2005

### **Link(s) to Council Objectives**

♦ Managing Resources

### **Previous References**

None

### **List of Background Papers**

None

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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## **Statutory Grievance Procedure**

### **Step 1**

Employee should submit the Statutory Grievance in writing to the Head of Service. This must state the basis of the complaint. In terms of this procedure, the grievance must be on an issue that the employee could complain to an Employment Tribunal as shown on the attached list.

### **Step 2**

The Head of Service (or nominee) will arrange to meet the employee to discuss the grievance. The employee may be accompanied at the meeting by a Trade Union representative or another employee (a companion). Following the meeting, the Head of Service (or nominee) will confirm the right of appeal to the Executive Director (or nominee).

### **Step 3**

If the employee wishes to appeal the decision at Step 3, he/she should confirm this in writing to the Executive Director (or nominee). The Executive Director (or nominee) will arrange a further meeting with the employee to discuss the appeal. Following the meeting, the Executive Director (or nominee) will confirm his/her decision in writing. The decision will be final.

### **Notes**

1. Timescales

Management will arrange the meeting both at Step 1 and Step 2 within 28 days of the Statutory Grievance being lodged.

2. Duty to Attend

The employee is under a duty to attend these meetings.

3. In terms of interpretation of the operation of these procedures, this will be guided by the regulations, decisions and codes of practice covering the "Statutory Grievance Procedure" in terms of the Employment Act 2002.