



Church Of Scotland
Ministries Council – Ministries Development Staff

Grievance Procedure

GRIEVANCE PROCEDURE

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Version	Date	Author	Details/ Changes
1	October 2018	Karen Smith, HR Manager	Updated Policy
2	July 2023	Karen Smith, HR Manager	Sections 2.5.1, 2.5.2, 2.5.7&5 – updates with staff structure and national office terminology



1 PURPOSE & SCOPE

- 1.1 The primary purpose of this grievance procedure is to enable you to air any concerns that you may have about your working conditions or work relations, and to allow for a speedy resolution where a genuine problem exists. It is designed to help all Ministries Council (MC) employees to take the appropriate action, when they are experiencing difficulties at work, in an atmosphere of trust and collaboration and to ensure that matters are handled fairly, consistently and reasonably at all times.
- 1.2 The MC, recognises that most day to day issues which arise will be dealt with through discussion with your line manager and the MC's policy is to encourage free communication between employees and their managers to ensure that questions and concerns or issues arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.
- 1.3 The formal procedure outlined below is designed to deal with those issues that need to be approached on a more formal basis so that every route to a satisfactory solution can be explored and so that any decisions reached are binding and long lasting. The MC expects, however, that in most cases, concerns or issues will be dealt with informally and the informal approach is outlined below for the avoidance of doubt.
- 1.4 In some cases it may be useful to use facilitated discussions and/or mediation as part of the process to resolve a grievance. Facilitated discussions and/or mediation may involve other individuals, including outside parties, with the agreement of all concerned.
- 1.5 Regardless of the approach used to resolve any concerns or issues under this procedure, the MC recognises that confidentiality is paramount and is committed to working in a confidential manner at all times consistent with properly investigating and resolving matters in an effective way. You are also responsible for maintaining confidentiality if you are involved in any way with this grievance procedure.
- 1.6 This procedure is non-contractual and does not form part of your contract of employment. The MC reserves the right to amend this procedure at any time.

2 INFORMAL APPROACH

- 2.1 If you have a concern or issue which is work-related or otherwise affecting your ability to undertake your job, you should speak with your line manager in the first instance. If you feel that it is not possible or appropriate for you to speak with your line manager regarding the issue or concern, you should speak in confidence to the Human Resources (HR) department.
- 2.2 You should explain what the issue or concern is and what outcome or resolution you are seeking.



- 2.3 If after doing so, you are content that the matter has been resolved to your satisfaction, no further action by you or the manager is necessary.
- 2.4 If having raised the issue or concern, you feel it has not been possible to resolve your issue or concern informally, you should raise your issue or concern as a formal grievance without unreasonable delay. The procedure below has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a formal grievance.

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- 2.5 Raising a grievance
- 2.5.1 Where you have a grievance arising from your employment which cannot be resolved informally, you should raise the matter in writing with the Ministries Development Manager. If your grievance is about the Ministries Development Manager, or you do not want to raise it with them for some other reason, you should instead notify the Head of Faith Action Programme or the HR Manager/Head of HR. If your grievance is about the Head of Faith Action Programme or the Head of HR you should notify the Convener of the Faith Action Programme Leadership Team. You should set out the reasons regarding your issue or concern in writing as clearly as you can. You should also explain clearly what you want us to do in response to your grievance.
- 2.5.2 The Ministries Development Manager will then invite you to attend a formal meeting to discuss your grievance. You have a statutory right to be accompanied at the meeting by a trade union official or a fellow employee of your choice or any individual who does not act in a legal capacity for you. You are required to let the manager who is hearing your grievance know who your companion will be in advance of the meeting.
- 2.5.3 Every effort will be made to convene the grievance meeting at a time which is convenient for you and your companion to attend. If this means that the meeting cannot be held within a reasonable period (usually within five working days of the original date set), you may be asked to make arrangements with another companion who is available to attend. Any employee who is chosen to accompany another in a grievance meeting is entitled to take paid time off for this purpose.
- 2.5.4 You must take all reasonable steps to attend the grievance meeting once it is scheduled.
- 2.5.5 At the meeting you will be invited to explain your grievance and asked how you think it should be resolved.
- 2.5.6 If it is necessary to investigate your grievance, then the grievance meeting will be adjourned so that any necessary investigation may be carried out. The meeting will be re-convened as soon as possible once the investigation is complete.
- 2.5.7 Following the meeting, the Ministries Development Manager will endeavour to respond to you as soon as possible and, in any case, within five working days of the grievance meeting if no further investigation is required. If a response cannot be given within that time, whether because an investigation is required or for some other



reason, you will be given an explanation for the delay by the Ministries Development Manager and be told when you can expect a response which will be as soon as possible thereafter. You will be informed in writing of the decision on your grievance and where appropriate, what action is intended to be taken to resolve your grievance. You will also be notified of your right to appeal if you are not content with the decision reached and the proposed action.

3 APPEAL

3.1 In the event that you feel your grievance has not been satisfactorily resolved, you may then appeal in writing in accordance with the Appeals Procedure – Grievance and Dismissal to the Solicitor of the Church as Secretary to the General Assembly Appeal Group explaining the grounds of your appeal within ten working days of the grievance decision.

3.1.1 This is the final stage of the grievance procedure and the decision of the General Assembly Appeal Group is final.

4 GRIEVANCES RAISED DURING THE DISCIPLINARY PROCESS

4.1 If you raise a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance but this will not necessarily be the case. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

5 REVIEW

This policy will be reviewed on a regular basis by HR, The Hub and Faith Action senior managers to ensure adherence to best practice, and any related legislation. If necessary, the policy will be taken to the Faith Action Programme Leadership Team (Ministries Council is the employing body of FAPLT) as part of a consultation process.



FREQUENTLY ASKED QUESTIONS

1. What sort of issues would I raise under the grievance procedure?

The grievance procedure enables you to raise concerns, issues or complaints about matters which are affecting your work or working environment. They might be about your work itself, your working conditions, your relationship with colleagues, a management decision, instruction or action affecting your work or a contractual or employment rights issue which is not otherwise covered by an appeals process. It does not cover dissatisfaction with a disciplinary decision, which is covered by a separate appeals procedure. It is expected that most of these issues will be dealt with through informal discussion with your line manager but we have a formal process to deal with those which cannot be resolved informally.

2. Do I have to put my grievance or complaint in writing?

If you are raising issues or concerns under the informal procedure, you do not have to put them in writing although you may wish to do so if that is easier for you. If you raise matters in writing, although you wish them to be dealt with informally, you should state clearly that you wish your concerns to be dealt with under the informal arrangements in order to avoid any confusion. Otherwise, it will be sufficient to simply speak to your manager about your issues or concerns. If, however, you are raising a grievance under the formal procedure, you do need to put that in writing. Where matters haven't been able to be resolved informally in the first instance, it is important for the manager who is dealing with your grievance to be very clear about what your concerns or issues are and how you think they can be resolved so if you have set that out in writing it provides a good basis from which to start the process. There may be occasions where an employee finds it difficult to properly set out their concerns in writing, and here they should do their best to write down what they can and note that they are having some difficulty in doing that so that the manager dealing with the grievance can arrange for them to be given some assistance.

3. Can I raise my concerns with HR rather than my line manager?

If your concerns or issues are about your line manager and you feel you cannot raise them with either your line manager or another manager then you should approach HR and explain the situation. HR will then make appropriate arrangements for your grievance to be dealt with by another manager. The intention is that concerns or issues are dealt with as close to the point of origin as possible so that means that your line manager will ordinarily be best placed to deal with any issues or concerns that you may have and they should therefore be your first point of contact in the grievance procedure.



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4. What support is available to me when I am raising a grievance?

You will have the usual access to employee support including pastoral support via the Workplace Chaplaincy service and the free confidential service provided by Health Assurance. This support is in addition to that which can be found through the Employee Council Committee and if you are a member of a Trade Union, a Trade Union Official. However, we expect that the majority of concerns will be dealt with quickly and to the satisfaction of all concerned and the need for support will be minimal for that that reason.

5. What if I don't want to raise a formal grievance but I am not satisfied by the informal approach?

We expect that in most cases the informal approach will resolve matters. Where matters cannot be resolved as part of the informal approach, you will be invited to raise a formal grievance. If you do not wish to do that and matters cannot be dealt with informally, we will not be able to take any further action and the matter will be considered concluded. The formal process is designed to ensure that our duty of care to all of our employees is observed and that all parties involved in the process are treated fairly. This means that where an individual declines to proceed to the next stage of the process, that is, the formal stage, and the previous stage has been exhausted, matters cannot be taken further and the matter must be considered at an end.

6. What role does my companion have at a formal grievance meeting?

Essentially your companion is entitled to have the same role as they would have during a disciplinary meeting. That means that they can address the meeting, ask questions and confer with you during the meeting but in the case of a grievance meeting they can also help you to put forward your issues or concerns. However, as with a disciplinary meeting, they are not permitted to answer questions on your behalf. On a practical basis, it is helpful for any manager to hear your concerns or issues in your own words so that he or she can properly understand what they are and how you wish them to be resolved and so you would be encouraged to explain your issues or concerns yourself. If you found that was too difficult to do, your companion would be permitted to do that for you but any questions would still be directed to you.

7. How would a facilitated discussion or mediation work?

A facilitated discussion is a structured discussion, normally facilitated by a member of the HR Team which is designed to provide support on an informal basis to those directly involved in the grievance in order to try to help them resolve the issue or issues. It would only include



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those directly involved so there would be no companion permitted and nothing would be recorded other than the agreed outcome(s)/action(s) of the facilitated discussion. In a similar way, mediation involves a third party and is normally focussed on resolving workplace conflict, that is, difficulties which are being experienced in working relationships. It may be used at any part of the grievance process. Where it is used within the formal part of the process, the formal procedure will be adjourned pending the outcome of the mediation. In the event that mediation does not result in a mutually acceptable resolution of the difficulties, the formal procedure would recommence at the point at which it had been adjourned. Both facilitated discussions and mediation are used in an effort to conclude matters satisfactorily through dialogue wherever that it possible and that is why they are a feature of our grievance procedure.

8. What would happen if someone raised a grievance against me?

If a complaint or grievance was raised against you by another employee, you would be notified of that and the nature of the complaint or grievance and invited to attend a meeting with the manager who was dealing with the grievance. Where it was necessary to hold an investigation first, you would be asked to take part in that. You would be given every opportunity to respond to the complaint or grievance raised against you and you would be able to do that in person and also in writing if you so wished. You would also be able to be accompanied at any formal meeting which was held as part of the grievance process. You could be accompanied by a work colleague or trade union representative or other person who did not act in a legal capacity for you. Your companion would be permitted to address the meeting, ask questions and confer with you but would not be permitted to answer questions on your behalf.

If the grievance against you is upheld, an investigation may be undertaken in accordance with the MC Disciplinary Procedure. The complainant will be advised that further action is being progressed through appropriate policies.

9. Do I have the right to appeal?

You have the right to appeal if you have raised a grievance and are not satisfied with the outcome of it. If you had a grievance raised against you and were not satisfied with the outcome of that grievance, then you would not be able to appeal against the outcome of that grievance as it was not a grievance raised by you in the first place so the rights of appeal do not apply to you. However, you would be entitled to raise a separate grievance regarding the outcome if you wished to do that and that would be dealt with as a new grievance and subject to this procedure in the usual way.

10. What happens to any witness statements received as part of the investigation?

The manager hearing your grievance may obtain witness statements as part of their investigation that would be signed by the person being interviewed as a true account of the



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meeting. You would not normally see these statements but the manager may seek to clarify with you, or the witness, any inconsistencies in the accounts of incident(s) under investigation.