

# Grievances and Resolving Workplace Issues

Procedure

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## Overview

### 1.1 What is this about?

Issues arise in every workplace from time to time. Some issues are easy to fix with a conversation while others may take more time.

This process is about fixing problems at work fairly and respectfully, as quickly as possible to stop things from getting worse and to stop any unfair treatment.

Where possible, you should try to resolve an issue informally before taking further action. The formal grievance procedure is a way to raise a workplace issue if you feel the informal approach or mediation has not worked, or you do not want the matter to be dealt with informally.

Some reasons for workplace issues are:

* bullying and harassment;
* discrimination;
* incorrect interpretation or application of policies or procedures;
* your relationships with other people in the workplace; and
* your working conditions or environment.

This procedure should not be used if the issue is about collective agreements or where another procedure has its own appeal process.

### 1.2 Who is this for?

This is for all officers, authority/police staff and special constables.

### 1.3 Key information

If someone has an issue or concern, we will:

* do everything we can to resolve it as soon as possible;
* offer mediation from the start and at all stages of the procedure;
* deal with issues fairly and consistently;
* handle the process appropriately and proportionately, understanding that a grievance process does not require the same approach as a criminal investigation;
* give everyone a chance to have their say before making a decision;
* keep details of the issue confidential, limiting the number of people involved in the process and only sharing details if they need to know and in line with the Information Security Standard Operating Procedure (SOP);
* extend timescales only if necessary, for example if the case is more complex or involves a number of other people;
* not accept unfair treatment of anyone involved; and
* provide training for managers and support from People and Development (P&D).

## Staff/Officer

### 2.1 What you need to do:

* Raise any issues early;
* Try to resolve matters informally;
* Consider participating in mediation, if suitable;
* Consider the formal process after all possibilities of informal resolution have been attempted;
* Attend meeting(s) as required;
* Be prepared and willing to compromise to achieve a workable resolution at all stages;
* Use support resources like P&D, Wellbeing Champions, the Employee Assistance Programme, and Trade Union and Staff Associations.

### 2.2 Resolving matters informally

Many problems at work can be resolved informally, for example through an informal chat.

Informal resolution can be quicker than the formal grievance process, can involve fewer people and can create mutually beneficial solutions. It does not have to be in writing at this stage.

Often the best way to resolve an issue is to speak to the person involved or speak to a manager. If the issue is to do with your line manager, you should discuss your concern(s) with the next level of management.

Your manager will listen to your concern(s) and discuss with you what resolution looks like for you. If the issue is resolved, your manager does not need to keep any written notes.

We understand this can be difficult, but being able to speak freely or have a listening ear can often help you come to a decision on how best to resolve the matter. If you are looking for advice on how to approach a workplace issue, P&D can provide guidance.

If you tell us about a serious issue, but do not want to raise a formal grievance, the Scottish Police Authority (SPA)/Police Scotland reserve the right to review the matter further.

### 2.3 Mediation

You should consider mediation as a way to mend relationships when there is a disagreement at work. Mediation is more likely to be successful if it is used at an early stage, however, it can be used when other attempts to resolve an issue have failed, or at any stage throughout the grievance process. You may be offered this by your manager or you can request this via P&D using Mediation Referral Form (106-030).

Mediation is a voluntary and informal process where an impartial Mediator helps people in disagreement to openly discuss and agree on a suitable resolution.

All sides will need to agree to mediation and only trained Mediators will be involved.

If you do not want to do mediation, you might be asked to share why, so we can learn from it.

If the problem is not fixed, you might want to think about taking the issue to the next stage.

### 2.4 Formal procedure

If you want to raise a formal grievance, you have to write to your line manager and tell them as soon as possible. If your line manager is involved in the grievance, you should send the written grievance to a different manager or someone within the next level of management – this can be done by letter or email.

In your grievance letter you should include:

* what the grievance is about;
* relevant facts such as dates, names, employment contract; and
* what resolution you want.

It is a good idea to be specific and realistic when thinking about your resolution.

If a group have the same problem or concern, you should send in one collective grievance. It should be signed by all those involved and one person should be named as the main contact.

If the grievance is to do with a work colleague, the colleague will be made aware of the issue. They will be invited to a meeting to give them the chance to talk about the concerns raised and will be made aware of the parts of grievance outcome relating to them.

If any counter grievance is raised by another person, the grievance will be dealt with by the same manager. This is with a view to resolving the grievances as a whole and as part of the same procedure.

If a grievance is raised while a disciplinary is taking place,the disciplinary may be paused to deal with the grievance first. If the disciplinary and grievance cases are related, both may be dealt with at the same time.

Everyone involved in the grievance process needs to keep things confidential. If you break confidentiality, there may be disciplinary action after we look into what happened.

If you change your mind and want to withdraw a formal grievance, you should notify the Resolution Manager in writing and give them your reasons for doing so.

Where there is evidence that a grievance is not justified, and it is considered frivolous, vexatious, or malicious, disciplinary action against the colleague who raised it may be considered after a full investigation of the facts.

### 2.5 The Executive Team

If a grievance involves a member of the Executive Team, the issue will be dealt with by a more senior officer or manager. The officer or manager will be chosen by the Chief Executive (SPA), The Director of Forensic Services or Chief Constable. If this is not possible, due to the seniority of those involved, the grievance will be dealt with by either the Chief Executive (SPA) or Chief Constable.

If a grievance concerns the Chief Executive (SPA), The Director of Forensic Services or Chief Constable, the issue should be referred to the SPA Board using the email address [REDACTED]. Any appeal would be heard by the Chairperson of the SPA Board.

Sometimes, we might involve an independent partner organisation.

### 2.6 Grievance meeting

The person who will review the grievance will be called the Resolution Manager. The Resolution Manager will check all informal attempts at resolving the issue have been exhausted before scheduling a meeting. This should be within 14 days of receiving the grievance.

Depending on the nature of your grievance, the Resolution Manager could be your line manager or another manager uninvolved with your issue.

Someone not involved in the grievance procedure will be asked to take notes at the meeting. You may take notes for your own reference.

You have the right to be accompanied at any formal grievance meetings by a current work colleague or trade union representative.

At the meeting, you will be able to explain the reason for your grievance and how you would like to see the issue resolved.

At the end of the meeting the Resolution Manager might check if the issue can be resolved informally or through mediation. If not, they may have to look into matters before they decide an outcome. If this is the case, the Resolution Manager will stop the meeting and plan a follow up. The Resolution Manager will let you know the next steps, if other people need to be spoken to and timescales.

The Resolution Manager will send you copies of notes from your meeting. You might get other information if it would help you better understand the issue(s), actions or decisions.

**Witnesses**

If you have been told you are a witness, you probably know some key information about the problem.

The Resolution Manager may ask you to provide a written statement or they may arrange a meeting with you to ask what you know or saw. Someone not involved in the grievance procedure will be asked to take notes at the meeting.

Further information can be found via Investigation – Wellbeing Guidance.

**Subject of a grievance**

If you are subject of a grievance, the Resolution Manager will invite you to a meeting to give you the chance to talk about the concerns raised and explain your side.

Someone not involved in the grievance procedure will be asked to take notes at the meeting. You may take notes for your own reference.

You have the right to be accompanied at any formal grievance meetings by a current work colleague or trade union representative.

At the end of the meeting, the Resolution Manager will let you know the next steps, timescales and will send you copies of notes taken.

Being part of a grievance can be very stressful and further information can be found via Investigation – Wellbeing Guidance.

### 2.7 The outcome

The outcome should be confirmed in writing within seven calendar days of the grievance review concluding. Depending on the nature of the grievance, timeframes may vary. The Resolution Manager will tell you if this is the case.

If anyone involved is repeatedly unable to attend meetings or join in the procedure, without good reason, a decision may have to be made based on information available. You will be told if this is going to happen.

The Resolution Manager might have to hold off making a decision if there are other activities relevant to the grievance which are ongoing. They will tell you if this is the case.

Depending on the circumstances, the Resolution Manager may find it appropriate to meet with you to tell you what, if any, action they have decided to take. They will give you a full explanation of how the decision was reached.

Details of the grievance and outcomes will be logged with P&D. All documentation retained as part of the grievance should be managed in line with the Personnel section of the Record Retention SOP.

You have the right to appeal if you think the grievance has not been resolved to your satisfaction.

**Witnesses**

The Resolution Manager may decide to talk privately with you or any colleague who was directly involved in the grievance. This may be to let you know the process is finished and to remind you not to talk about it.

**Subject of a grievance**

The Resolution Manager will notify you of any findings in relation to the grievance raised against you. If the outcome involves further action, details of next steps will be provided. You do not have the right to appeal the outcome.

### 2.8 Appeals

You have to write to the next level of management within seven calendar days of receiving the outcome letter to notify them of your intention to appeal and the grounds which your appeal are based on.

If you need more time to prepare your appeal, a further seven calendar days are available. The additional days only apply if you notify the relevant manager of your intention to appeal.

Grounds for appeal might include:

* The grievance procedure was not followed;
* There is new evidence about the case that was not available before; or
* The outcome does not resolve the problem.

You have to give the reasons which your appeal is based on and any other relevant information that should be considered. The appeal will not go over all the points that were raised as part of the original grievance.

The appeal meeting should be held within 14 calendar days of the written appeal being received. The meeting will be led by a manager who has not been involved in your grievance and is a higher level of management than the Resolution Manager.

Depending on the nature of the appeal, timeframes may vary. The appeal manager will tell you if this is the case.

After your meeting, the appeal manager will take a look at everything and do any extra review they feel is needed. They will get back to you in writing within seven calendar days. The decision is final.

## Manager

### 3.1 What you need to do:

* Follow the procedure;
* Seek early support from P&D before taking any action;
* Try to resolve matters informally or via mediation;
* Take steps to support colleagues and remain impartial;
* Deal with formal grievances as a priority in a fair and consistent way;
* Always speak to the colleague raising the grievance first;
* Maintain confidentiality and restrict information on a need-to-know basis;
* Consider all the information provided;
* Resolve issues promptly and do not unreasonably delay meetings or decisions;
* Explain what, if any, action will be taken; and
* Explain the right of appeal.

### 3.2 Resolving matters informally

When one of your team makes you aware of an issue or concern, try to resolve the issue informally, where possible.

Take the matter seriously and let them tell you their concern(s) and how they would like to see the matter dealt with. If the matter is resolved informally, there is no need for any written records.

Informal resolution is flexible and includes a full range of possible options such as:

* A conversation;
* A plan to resolve the workplace issue, for example, introduction of training or review of policy;
* An apology; or
* An opportunity for continuous improvement and learning opportunities for the organisation.

The outcome is specific to each situation and the people involved. There are no set parameters and these examples are a guide only.

You should follow up with the colleague to check if the problem is resolved. If it is not, you should consider if anything else can be done.

If they do not want to raise a formal grievance for something that you consider to be serious, you have to tell them that the matter may be reviewed further. As soon as you are aware of a problem, it is your job as a manager to make sure everyone is treated fairly and with respect by addressing the issue right away.

### 3.3 Mediation

As soon as the issue cannot be resolved informally, you should speak to the colleague about mediation.

Mediation is an informal and voluntary process where an impartial Mediator helps two or more people in disagreement to discuss the situation openly with a view to agreeing a suitable resolution.

Mediation is more likely to be successful if it is used at an early stage. It can also be used when other attempts to resolve an issue have failed or at any stage throughout the grievance process, including on completion of a formal process.

You can arrange mediation by contacting P&D using Mediation Referral Form (106-030). Only a trained Mediator should facilitate a mediation.

If the member of your team does not want mediation, you should ask them why, to allow for organisational learning.

If the matter remains unresolved, you should make them aware of the formal grievance procedure.

More information on mediation can be found in the Workplace Guide to Mediation.

### 3.4 Formal procedure

As soon as one of your team makes you aware that they want to raise a formal grievance, by email or letter, you must follow the formal grievance procedure.

If you are sent a written grievance, you should contact P&D for guidance. You also need to forward P&D a copy of the grievance to ensure it is formally logged.

You should check if there has been an attempt to resolve the issue informally (if appropriate). If informal resolution has not been considered, you should discuss this option with the colleague.

You should make sure you can commit to dealing with the grievance process and the associated timescales. You should take into consideration impartiality, conflict of interest, capacity and time off work, for example. If it is not appropriate for you to handle the grievance, another manager may be appointed. You should contact P&D for further support.

If you are dealing with the grievance, you will be the Resolution Manager. It is your responsibility to lead the procedure and treat the grievance as a priority.

As Resolution Manager, you should contact the colleague as soon as possible to introduce yourself.

If a grievance is to do with another officer, special constable or member of staff, you must let them know about the issue that has been raised. This will allow them to fully participate in the process and answer any of the concerns made against them.

You should emphasise confidentiality and limit information to those who need to know.

You should ask all colleagues involved if they need any support to help them fully participate in the procedure.

If the grievance is withdrawn, you should find out the reason for withdrawal.

### 3.5 Grievance meeting

A meeting should be arranged within 14 calendar days of the written grievance being received. You should consider a suitable location and time and send an invite letter to confirm the details of the meeting and the individual’s right to be accompanied by a current work colleague or trade union representative.

It is important that the initial meeting is held within the timeframe outlined. If this is not going to be possible, you should contact the colleague to explain and confirm when the meeting will take place. Delays are not helpful to creating a positive workplace.

You should arrange for someone not involved in the grievance procedure to take notes. Notes from Discussions/Meetings Form (037-031) should be used to record the key points of the meeting and a copy of the notes should be provided to the colleague.

At the initial meeting, let the colleague tell you about their grievance and how they think it should be dealt with and resolved.

You should give the colleague the chance to explain their side and provide details of any witnesses you should contact.

At the end of the meeting, if you have gathered all the information that you need to make a decision, you can give the individual the outcome at the meeting. It is likely you might have to make further enquiries before you can make a decision. You should let the colleague know the likely actions, if other people need to be spoken to and timescales.

### 3.6 Reviewing the details

You might need to take some time to review the grievance information so you can make a fair decision. You should review the details as quickly as possible, whilst still being thorough and fair.

In some cases, it may be best to delay making a decision. This could be when other activities which are relevant to the grievance procedure are in progress or awaiting a decision. If this is the case, you have to give the reason for delaying the decision or outcome.

If you need information from witnesses, you can arrange a meeting with them. Alternatively, you could ask them to write down a statement to confirm what they know. Someone independent should take notes during the meeting and the witness should sign the notes. When getting information from a witness, it is a good idea to get their consent to be able to share it if necessary.

If there are many witnesses, you should talk to some of them. You may not have to speak to all witnesses if they are broadly saying the same thing.

If you are speaking to someone who is subject of a grievance, you should invite them to a meeting, allowing them to be accompanied by a current work colleague or trade union representative. An independent note taker should be in attendance. At the meeting, you should allow the colleague who is subject of the grievance to explain their side. After the meeting, you should provide them with a copy of the meeting notes and an indication of next steps and timeframes.

If someone is repeatedly unable or unwilling to attend meetings, without good reason, you might have to make a decision based on the information you have. You will have to tell the person who raised the grievance if this is going to happen.

A grievance can be stressful for colleagues involved. It is important for you to consider the wellbeing of all colleagues involved, providing support where needed.

### 3.7 The outcome

You have to tell the colleague the outcome of your findings and what, if any, action you have decided to take. You will also need to tell them how the decision was reached. The decision has to be confirmed in writing (outcome letter) within seven calendar days of the final grievance meeting.

In most cases, you should hold a meeting with the colleague to discuss the outcome.

Should the outcome be delayed, you must contact the colleague and let them know when this should be expected. Delays are not conducive to creating a positive workplace.

You need to tell them about their right to appeal in the outcome letter.

You may decide to talk privately with any colleague who was directly involved in the grievance. This may be to let them know the process is finished and to remind them not to talk about it.

If the grievance is about another colleague, you will need to tell them of your findings, decision and any next steps that relate to them.

All documentation must be sent to P&D the end of the procedure. This includes when a grievance is withdrawn. All documentation retained as part of the grievance should be managed in line with the Personnel section of the Record Retention SOP.

Following the outcome, you should follow up with the colleagues involved and establish if any further support is required.

If any next steps have been decided, it is your responsibility to ensure that action is taken, so that it deals effectively with the issue.

### 3.8 Appeals

The colleague has to send their intention to appeal and the grounds for appeal, within seven calendar days of receiving the outcome letter. If they need more time to prepare their appeal, a further seven calendar days are available. The additional days only apply if the colleague has notified you of their intention to appeal.

On receipt of an appeal, you should log this with P&D.

The manager who hears the appeal will be referred to as the appeal manager. They will be a higher level of manger than the Resolution Manager.

The appeal meeting should be held within 14 calendar days of the written appeal being received. It is important the appeal meeting is held as soon as possible and any delay is communicated and agreed with the colleague.

Grounds for appeal might include:

* The grievance procedure was not followed;
* There is new evidence about the case that was not available before; or
* The outcome is considered unreasonable.

### 3.9 The appeal meeting

You should arrange for someone not involved in the grievance procedure to take notes. Notes from Discussions/Meetings Form (037-031) should be used to record the key points of the meeting.

You should have the notes and any other information from the original grievance meeting at hand as you might have to refer to them.

The colleague has to be given the chance to explain the grounds of their appeal in person at the meeting.

You should only consider the specific area(s) that the appeal is based on. You should not go over all the matters raised in the original grievance.

### 3.10 The outcome

Following the meeting, you might have to carry out further reviews.

You should confirm the outcome in writing within seven calendar days of the meeting. The decision of the appeal is final.

In some cases you might not be able to make a decision within the normal timescales. The reason for any delays must be explained to the colleague.

You should complete the appeal procedure within a three-week period. If there are any proposed delays this must be discussed with those involved in the process.

All documentation must be sent to P&D using the relevant reference number at the end of the procedure.

## Resources

### 4.1 Forms

* Notes from Discussions/Meetings Form (037-031)
* Notes from Discussions/Meetings Form Continuation Sheet Form (037-031A)
* Mediation Referral Form (106-030)
* Mediation Confidentiality Agreement (106-031)

### 4.2 Letters

* Invite Letter
* Outcome Letter

### 4.3 How to Guides

* How to Conduct a Formal Grievance or Appeal Meeting
* Resolution Manager Checklist
* Managing a Workplace Issue
* Resolving Workplace Issues
* Managing Workplace Issues and Grievances Toolkit

### 4.4 Reference Documents

* Frequently Asked Questions
* Roles and Responsibilities
* Guide to Workplace Mediation
* The Right to Be Accompanied

### 4.5 Related Procedures

* Disciplinary
* Promotion
* Stress Management
* Data Protection
* Information Security Procedure
* Privacy Notice
* Record Retention Procedures

### 4.6 Useful Links

* Access training resources on conflict management. [REDACTED]
* Investigation Wellbeing Guidance
* Menopause Toolkit
* Police Service of Scotland (Conduct) Regulations 2014
* ACAS
* Employee Assistance Programme
* Staff Associations and Trade Unions
* Wellbeing champions
* Learning, Training and Development
* Continuous Professional Development
* Data Protection Act 2018
* Employment Rights Act 1996
* Health and Safety at Work Act (HSWA) 1974
* Equality and Human Rights Commission
* Citizens Advice Bureau

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**Version Control Table**

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| **Version** | **History of Amendments** | **Date** |
| 1.00 | Initial approved version | 01/08/2013 |
| 1.01 | Content page amended | 18/12/2013 |
| 2.00 | DPA and GDPR updates | 25/05/2018 |
| 3.00 | Full review of procedure and process | 01/06/2018 |
| 4.00 | Policy Simplification | 01/04/2019 |
| 4.01 | Link to menopause toolkit added | 09/03/2022 |
| 5.00 | Full review of procedure and process | 22/07/2024 |

**Feedback**

All Police Scotland People Policies and Procedures are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If anyone wants to provide comment, or make suggestions for improvements to this or any associated document, please email [REDACTED].

## Appendix A

### Frequently asked questions

**What if I have an issue or concern at work?**

Talk it over with the individual involved or your line manager to try and sort it out informally.

**What should I do if my concern(s) are to do with my line manager?**

Talk it over with someone within the next level of management or an alternative line manager.

**Can I resolve a workplace issue without going through a formal procedure?**

Yes. In the first instance, and if appropriate, you should raise any workplace issue or concern with your line manager. If you cannot talk to your manager, you can speak to another manager or someone of a higher rank.

Your manager should listen and try to resolve the matter through conversation.

If informal resolution is not successful, you should consider mediation. This may be offered by your line manager or you can request this via P&D using Mediation Referral Form (106-030).

It is important you are clear about what resolution looks like. This may determine whether informal resolution is appropriate. You can also seek advice from P&D.

If the issue is serious, the Scottish Police Authority/Police Scotland reserve the right to review the matter further.

**What are the benefits of informal resolution?**

Informal resolution is often faster than a formal procedure. There is greater flexibility with the process. It could be done without having to notify lots of people or require attendance at formal meetings.

**Does informal resolution mean my issue or issue is less serious or not likely to be substantiated?**

No. Discussion around informal resolution does not mean your concern is not serious. Informal resolution can be the first step in addressing a workplace issue. It can provide a quick resolution which addresses an issue without the need to escalate it. The formal process will always be available should the informal route not work for you.

**What if I do not want to resolve matters informally?**

All workplace issues need to be resolved, whether that is informally or by raising a formal grievance. The formal process involves a legal process and it is important that all parties follow this.

Both routes are designed to bring closure to an issue that is causing concern and you should contact P&D if you require advice on your options.

**I am the subject of a grievance, can I request informal resolution?**

You can request informal resolution or mediation; however, all parties need to agree to this. The colleague raising the grievance may want to continue with the formal process.

**What if the issue or concern cannot be resolved or is too serious to deal with informally?**

Speak to your line manager and follow up your concerns in writing (by letter or email), telling them you want to raise a formal grievance. You should provide as much detail as possible about the issue or concern and include how you would like to see the matter dealt with and, if possible, resolved.

**What happens next?**

A Resolution Manager will meet you. You should tell the manager if you need any support to help you participate in the procedure for instance, reasonable adjustments.

**Can I bring someone to the meeting?**

You can bring a work colleague or representative of a Staff Association or Trade Union to any formal meeting.

**Am I entitled to paid time off?**

You are entitled to take a reasonable amount of paid time off to attend the meeting. You should be allowed time off to get to know the case, prepare and/or confer with your representative before the meeting.

**What happens if I am not available?**

The meeting should be rearranged to an agreed time or date within five working days of the original date.

The aim of the meeting is to make a decision on the issue as soon as possible, without delay. Where multiple attempts have been made to hold the meeting, without success, the process might continue with the information available.

**What is the role of my work colleague or representative at the grievance meeting?**

They can address the meeting to put your case forward; sum up the grievance; respond on your behalf to any views expressed at the meeting; and confer with you. They cannot answer questions on your behalf.

**Who else will be at the meeting?**

The Resolution Manager, an impartial note taker and you. You also have the right to be accompanied to the meeting should you choose.

**What happens at the grievance meeting?**

You will be able to explain the reason for your grievance and how you would like to see the issue dealt with and resolved. You might also have to provide clarity on any of the points talked about at the meeting. If the Resolution Manager has to look at further information before they can make a decision, they will tell you the likely actions and timescales.

**When will I hear about the outcome?**

After the meeting you will be told by the Resolution Manager what, if any, action they have decided to take. You will be given a full explanation of how the decision was reached. The outcome will be confirmed in writing within seven calendar days of the grievance meeting.

**What should I do if I believe the issue is not resolved?**

You can appeal against the outcome by writing to the next level of management. You should do this within seven calendar days of receiving the outcome letter. You have to give the reasons, which your appeal is based on, and include any other information that should be considered. The decision of the appeal meeting is final.

**What paperwork will I be provided with?**

The manager responsible for your grievance will send you copies of any notes from your meetings. You may get other information that would help you understand the issue(s) actions or decisions.

**Who will know that I have raised an issue or concern?**

Only those involved or who need to know. If the issue involves a colleague, they will be made aware of the issue so that everyone involved can work together to find a resolution.

**What if I am treated unfairly because I have raised a concern?**

Unfair treatment of anyone involved in the procedure is not acceptable and, after a full investigation of the facts, may be considered under disciplinary or conduct procedures. You should raise any concerns with your line manager or the Resolution Manager.

**What happens if more than one person wants to raise a common concern or issue?**

A group can raise a collective issue with their manager; the informal approach including mediation is suggested and the formal grievance route is available if the issue remains unresolved or is serious. A formal grievance should be signed by all those involved and one person should be named as the main contact.

**What if my grievance is to do with another procedure?**

Where a procedure has its own appeal process it will be dealt with under that procedure. For example, capability or disciplinary procedures.

**How do I withdraw a grievance?**

You have the right to withdraw a grievance. Write to the Resolution Manager and outline the reason(s) why you want to withdraw the grievance. It should be noted that in some instances a review may continue even if you wish to withdraw it.

**What if I change my mind and decide not to raise a formal grievance?**

If the issue is serious, the Scottish Police Authority/Police Scotland reserve the right to review the matter further.

**What support is available?**

People Direct can be contacted via phone or using the People Direct Online Portal for advice or guidance. The Employee Assistance programme offers confidential support. You can also get support from: your line manager; Trade Union(s); Staff Associations. Support is available throughout all stages of the procedure.

## Appendix B

### Roles and Responsibilities

**Colleague**

The individual who has a workplace issue. Their role is to:

* Raise the issue informally by talking to the person responsible or seek support from their line manager.
* Consider the option of mediation.
* Raise a formal grievance in a timely manner.
* Be clear on the resolution sought, the basis for this and how it may be achieved.
* Actively engage in the process and do what they can to assist in resolving their grievance.

**Line Manager**

The colleague’s line manager. Their roles is to:

* Take workplace issues seriously and listen to the colleague’s concern.
* Support informal resolution.
* Promote mediation.
* Acknowledge receipt of a formal grievance.
* Take on the role of the Resolution Manager if they have not had any prior involvement in the situation.
* Seek support from P&D.
* Provide support to those involved.

**Mediator**

The impartial and trained colleague who can facilitate improved and meaningful discussion. Their role is to:

* Support at any stage of a dispute where individuals are willing to participate.
* Meet with everyone involved, including Supporters.
* Help both parties agree how future communications can be improved.
* Control the process of seeking a mutual resolution.
* Complete relevant paperwork.
* Follow up with involved parties three months, six months, and 12 months after the mediation to check on progress.

**Supporter**

An individual supporting a colleague during mediation. Their role is to:

* Attend an individual pre-meet with the Mediator.
* Attend the joint mediation.
* Provide encouragement and care during the mediation.
* Not speak on the colleague’s behalf.

**Subject of a workplace issue/grievance**

The person (or people) identified by the colleague as responsible for the issues being raised. Their role is to:

* Try to understand the concerns and explore ways to mutually resolve the issue.
* Consider the option of mediation.
* Actively engage in the process and do what they can to assist in resolving the grievance.

**Resolution Manager**

The manager responsible for overseeing the formal grievance. Their role is to:

* Seek to resolve the grievance, in a transparent and impartial manner.
* Meet with the employee to understand the basis for the grievance and the resolution sought.
* Review all information and meet with colleagues involved.
* Communicate clearly and in reasonable time, keeping colleagues informed.
* Reach a conclusion based on information available.
* Provide a written outcome to the colleague who raised the grievance.

**Witnesses**

Colleagues who the Resolution Manager may need to meet to discuss the grievance. Their role is to:

* Respect the confidentiality of those involved.
* Provide a witness statement if asked.
* Answer any questions about what they know.

**Appeal Manager**

The manager assigned to consider an appeal. Their role is to:

* Consider any additional information provided and to reach a conclusion on the grievance appeal.
* Consider whether the process was robust and fair and whether the outcome and recommendations were reasonable.
* Carry out additional reviews if new information has been raised.

**Work colleague or Trade Union Representative**

A representative supporting a colleague during a formal grievance meeting. Their role can be to:

* Set out the employee's case.
* Respond for the employee to any comments or points made at the meeting.
* Talk with the employee during the hearing.
* Take notes.
* Sum up the employee's case at the end of the hearing.

**Note taker**

The individual responsible for recording any formal meetings. Their role is to:

* Produce a summary note of the key points raised.

**People and Development Advisor**

A colleague from People and Development available to support the procedure.Their role is to:

* Provide advice on the process to be followed.
* Advise those involved on the options for resolution.
* Support managers in handling a formal grievance.

## Appendix C

### The right to be accompanied

You have the right to bring someone with you to any formal meetings. For example, disciplinary, grievance, capability and so on. This can be:

* a current work colleague or Staff Association representative;
* a representative of the Scottish Police Federation or Association of Scottish Police Superintendents.
* an official who is employed by a union; or
* a trade union representative who is certified by the union as being competent to represent members.

You have to make your own arrangements if you want to bring someone with you and tell us their name at least 24 hours before the meeting.

The work colleague or representative is entitled to take a reasonable amount of paid time off to attend the meeting. Representatives from trade unions and staff associations are allowed paid time off to get to know the case and discuss any related matters before and after the meeting.

The work colleague or representative can address the meeting to sum up the case; respond to any views discussed at the meeting; confer with you during the meeting or ask for a break. They cannot answer questions on your behalf.

Sometimes, we may allow you to bring a work colleague or representative to an informal meeting if we think it will help or support you. You would have to talk this over with a People Services Advisor (contact People Direct) before any arrangements are made.

At times, you might be able to bring a non work colleague. This could be if you need additional support because of a disability or you might need an interpreter if there are difficulties with understanding or language. You would have to talk this over with your manager before any arrangements are made.

If the work colleague or representative is unable to attend, the meeting can be rearranged. This should be within five working days of the original date.

If they are unable to attend the re-arranged meeting you might have to ask someone else.

## Appendix D

### How to conduct a formal grievance or appeal meeting

**Before you get started**

* Review all information.
* Arrange the meeting somewhere private. This could be a different office location or virtually.
* Have a list of pre-planned questions to follow.
* Remain focused on the colleague and reason for meeting.
* Remain open minded to anything the colleague might say.
* Acknowledge the colleague’s viewpoint.
* Concentrate on what the colleague says.
* Use silence to encourage the colleague to elaborate on points.

**Body Language**

* Face the colleague with a relaxed position.
* Do not fold arms.
* Give the appropriate amount of eye contact.
* Give appropriate affirmative facial expressions and gestures.
* If you recognise the colleague appears uncomfortable, be sensitive and ask if they are okay.

**Questions**

* Questioning should be inquisitive rather than interrogative.
* Use open questions to encourage the colleague to open up and provide more detail of the issue.
* Use feelings questions to help focus colleagues on what is important to them.
* Use closed questions to gather specific facts and confirm understanding.
* Use probing questions to challenge any inconsistencies.
* Avoid interrogative questions, leading questions and multiple questions.
* Summarise as an opportunity to check the information gathered is correct and allow the colleague to reflect on what they have said.

**Introduction**

* Often a workplace issue is not about establishing a right or wrong, it is about feelings and a formal ‘investigative’ process does not assist in resolving the issue.
* A grievance should never be handled as a police enquiry and never requires the same approach as a criminal investigation.
* Make everyone feel at ease, explain the background and how the process aims to address the workplace issue/concern.
* You should introduce those present and explain their role in the process.
* If the colleague has not brought someone with them, remind them of their right to be accompanied.
* If accompanied, you should confirm the role of the current work colleague or representative. The can address the meeting to sum up the case; respond to any views discussed at the meeting; confer with the colleague during the meeting or ask for a short break. They cannot answer questions on behalf of the colleague.
* Make sure the colleague is aware that it is a formal grievance or appeal meeting and as such, notes will be taken throughout to record the key points. Make sure notes reflect the discussions and are easy to understand.
* Tell the colleague (or their representative) they can take their own notes if they want, for reference.
* Tell the colleague they will receive copies of notes from meetings.

**Explain the format of the process and what happens next**

* Tell the colleague you will give them the chance to tell you about their grievance or the grounds of their appeal. This includes how they think it should be dealt with.
* They will be asked questions about the grievance or their appeal and possibly for clarity on any other information provided during the meeting.
* Either party can ask for a break at any time during the meeting. Note: If the meeting in in person, find out if any rooms are available to give the colleague (and their representative) their own space during any breaks.
* At the end of the meeting, you will summarise the key points discussed. You will also ask if any other information should be considered.
* You would normally have to make further enquiries before you can make a decision. This could be to do with information or other facts provided at the meeting.
* The colleague will be told of the outcome as soon as the matter has been fully considered. The outcome will be confirmed in writing.
* Tell the colleague of their right to appeal if the grievance is not satisfactorily resolved; or
* There is no further right of appeal if they remain dissatisfied with the outcome of the appeal.
* Finally, ask the colleague if they, or their colleague or representative, have any questions regarding the above procedure.

**Explore the grievance or appeal**

* Remain objective throughout the meeting.
* Ask the colleague to tell you about their grievance or the grounds of their appeal. Ask how they would like to see the matter dealt with.
* Try to get a full understanding of the case by asking questions, if appropriate.
* You should confirm your understanding, of the details of any information sent in to support the grievance or appeal.
* Ask for clarity on information or evidence gathered through further fact finding if appropriate.
* Ask if there is any other information that you need to consider.
* Allow the colleague (or their representative) to sum up their grievance or appeal at the end of meeting. This is to make sure they have provided the full details of relevant information that they would like considered.
* You might decide to end the meeting so you can look into matters further. If this is the case, you need to explain what it is you still have to do and the likely timescales.
* Tell the colleague how you will let them know the outcome – it is better to do this in person if possible.
* When closing the meeting, make sure everyone understands what is going to happen next, is a follow up meeting required?

**End of process**

* You should review what has been said and have a full understanding of the issue(s) before making a decision.
* You might decide that you will need to look into matters further. If this is the case, you need to explain, what it is you still have to do and the likely timescales.
* Tell the colleague they will receive confirmation of the outcome in writing. This will be within seven calendar days of the meeting.
* Tell the colleague of their right to appeal. The decision of the appeal is final.
* Draft the outcome letter and include: a summary of the grievance or appeal; information gathered (where applicable); and the decision, including reasons for this; and any recommendations.
* Ideally meet with the colleague to let them know the grievance outcome and establish any ongoing support post grievance, ensuring this is put in place.
* Send all documentation to the P&D at the end of the grievance or appeal.

**Refusal or failure to attend meeting**

* If a colleague refuses to attend a meeting, you should try to find out why and if there is a way to resolve the issue.
* If there is a legitimate reason, such as illness, you should rearrange the meeting. If this is not possible you could ask the colleague to produce a written statement instead.
* You should remind the colleague that the aim of the meeting is to review and make a decision on the issue as soon as possible, without unnecessary delay.
* Where multiple attempts have been made to hold the meeting, without success, you might consider proceeding with the information available.

## Appendix E

### Resolution Manager’s Check List

**First Considerations**

* Do I have the knowledge/training necessary to carry out this review?
* Do I understand I have to ensure this process is a priority?
* Do I have a conflict of interests?
* Could I become a witness?
* Could I be involved at a later stage in disciplinary/grievance procedures?
* Should the review be informal first – could there have been a genuine misunderstanding of the issues?
* Has mediation been offered? If it has been rejected, is there an understanding why?

**Planning**

* Do I understand the purpose of the review?
* Do I understand who is involved?
* Is this an isolated matter or are there linked issues?
* What are the key elements to be reviewed?
* Have I read and understood any relevant procedures and/or other documents?
* Do colleagues involved needs to be told about the grievance?
* What is the timescale for review?
* Have I engaged with P&D before taking any action?
* Do I have the knowledge necessary to carry out this review?
* Have reasonable adjustments for the colleagues been established, if requested?
* Has an independent note taker been appointed?

**Carrying out the review of information**

* Has the colleague(s) been informed of the grievance against them?
* Have all witnesses been identified?
* What information needs to be gathered, documents/forms for instance?
* Where will interviews take place?
* How will I maintain confidentiality?

**Interviewing**

* Do I know exactly what to cover in my opening statement?
* Have I confirmed the colleagues are aware of the purpose of the meeting and their right to be accompanied (if appropriate)?
* Have I identified the key questions to be asked?
* Have I given colleagues enough information about the event to encourage meaningful responses (respecting confidentiality)?
* Have I informed colleagues that their statement may be used in any subsequent disciplinary process?
* Have I produced written statements and have they been signed?
* Have I identified others who may not have witnessed the incident but who may be able to provide additional helpful information?
* Have I understood what the colleague’s desired resolution to the grievance is?

**Finalising the review**

* Have I reviewed all the information available to me?
* Have I interviewed all the relevant witnesses and do I have their signed statements?
* Have I gathered all relevant information (for instance, documents or papers)?
* Have I followed the organisation’s grievance procedures?
* Have I communicated next steps with the colleague and discussed timeframes for decision?
* Have I taken advice and sought support from P&D throughout?
* Has everything been covered?

 **The outcome**

* Have I decided on what action to take, if any?
* Have I spoken with the colleague directly about my decision?
* Have I communicated my decision in writing, detailing the review, rationale for decision and responding to all issues raised?
* Have I considered next steps regarding the colleague who has had the grievance raised against them, including communication and any further action?
* Have I told the colleague of their right of appeal, if appropriate?
* Have I understood the impact the process has on the colleague and taken steps to reassure and rebuild relations?
* Have I spoken to the relevant line manager to ensure the welfare aspect is covered following the outcome?
* Have I sent all documentation to P&D?

## Appendix F

### Guide to Workplace Mediation

This guidance provides additional information to supplement the Grievances and Resolving Workplace Issues Procedure.

It can often be easier to avoid conflict and hope it will go away but that is how issues escalate. If at all possible, you are encouraged to speak to the other person to attempt to resolve this issue or speak to your manager as soon as possible.

You may not feel comfortable talking to the person you are in conflict with yourself and help from someone who is independent and impartial may be helpful. If the issue is to do with your line manager, you can discuss your concern(s) with the next level of management. If you still require support in resolving your workplace issue, you should consider mediation.

Mediation is an informal and voluntary process where an impartial Mediator helps two or more people in disagreement or dispute to discuss the situation, openly, with a view to agreeing a suitable resolution. Mediation can be used at any stage of a dispute where individuals are willing to participate and is most effective when used to address a developing situation before it escalates.

Mediation focuses on:

* resolving specific issues without blame or judgement;
* clarifying misunderstandings and assumptions;
* discussing issues openly and in a safe environment with a trained Mediator who will help both parties through the meeting;
* agreeing how future communications can be improved;
* rebuilding a working relationship; and/or
* building a firmer foundation for managing future relationships.

The main focus of the Mediator is to facilitate improved and meaningful discussion.

Any agreement is reached from the parties involved in the dispute not the Mediator. The Mediator is not there to judge, to confirm right and wrong or decide an outcome. They will control the process of seeking a mutual resolution.

There are no set rules for when mediation is appropriate but it can be used:

* for conflict involving colleagues of a similar job or grade, or between a line manager and their team member;
* at any stage in the conflict;
* to rebuild relationships after a formal dispute has been resolved; or
* to address a range of issues, including relationship breakdown, personality clashes, communication issues, bullying and harassment.

Mediation may not be suitable if:

* there is possible criminal activity;
* there is evidence of a serious risk to health and safety;
* one or both parties are not willing to mediate.

Mediation meetings are confidential with the exception of informed disclosure (when both parties give permission for information to be disclosed); and/or exceptional circumstances (situations where criminal activity has been disclosed or identified or where there is a serious risk to health and safety). Mediation will be arranged at an accessible, neutral venue which provides a safe space for people to meet. Online mediation may be an option.

**Mediation Process**

**Introduction**

After mediation is requested, and a preferred method of contact is determined, you will be contacted by the Mediator to introduce themselves, to discuss any initial questions and concerns you may have about the process and to arrange a pre-meet which will usually be completed either by virtual meeting or face to face.

**Individual Pre-meet**

During the pre-meet, the Mediator(s) will start by talking separately to you to find out about the situation all parties find themselves in, how you feel about it and the effects it is having. You can talk to the Mediator openly because this is confidential and nothing will be said without the agreement of the person who said it.

The Mediator will then help you to start thinking about what resolution you want, what the other person might want, and how things might be improved with a focus on the future.

It would be helpful to ensure Mediators are aware of any support you may require in terms of adjustments for example mobility, hearing or regular breaks.

The Mediator will advise and provide you with further information before you attend the mediation. Sometimes you and the other colleague will each be asked to consider:

* what the issue is that you want the Mediator to help with;
* examples of the main things that have happened; and
* ideas on how the issue can be resolved.

This is to help the Mediator understand what the issue is and to save time on the day of the mediation.

**Joint Mediation**

When the time is right, and all parties agree, the Mediator(s) will bring you together in a joint meeting which will be held at neutral venue, providing a safe space that is accessible for all parties.

At this meeting you will have a chance to say exactly how you feel without being interrupted and to listen to how the other person feels without interrupting them. The Mediator will ask questions, reflect and summarise what all parties have said to achieve clarity, help all parties look at the situation realistically and assist you to come up with ways to improve things and, if possible, reach a resolution.

The Mediator(s) will guide you through the process and facilitate improved and meaningful communication to help you to identify the issues and enable you to come up with ideas to improve things.

It is important to acknowledge Mediators control the process whilst the parties control the contents of the meeting and the outcome.

The role of the Mediator is not to judge, offer advice, make suggestions or provide solutions, but to build a strong rapport with both parties, facilitate the meeting and get people to connect better. They are there to assist the conversation and help the parties jointly reach a workable solution.

**What is expected of you at mediation**

A mediation meeting should ensure fair and equal treatment of all parties involved through positive and productive communication. This is an opportunity for you and the other parties to share views and for those to be heard.

You should:

* listen to what each person has to say;
* communicate and behave in a non-confrontational way. Think about how you would like to be treated yourself.
* be open and specific about your concerns and what resolution you want;
* raise any concerns with the Mediator;
* request a private space or break if you need to step away;
* remember that the Mediator may pause or end the mediation if necessary;
* think about what has been said before responding;
* remain confidential;
* be realistic about resolutions; and
* focus on the future.

**Confidentiality Agreement**

All aspects of the mediation process are entirely confidential. Everyone involved in the mediation process are held to that standard with all parties having to sign the Mediation Confidentiality Agreement Form (106-031).

Any notes that the Mediator may take throughout the process are destroyed at the end of the mediation. Information may be used for monitoring and evaluating the mediation process but this will only outline anonymous details such as the fact that mediation took place, whether it was successful and any organisational learning identified.

Any information shared during mediation is inadmissible in any other process both internal and external to Police Scotland.

Any unjustified or non-agreed disclosure may be subject to investigation under the Police Conduct (Scotland) (Regulations) 2014 or the Disciplinary Procedure for Staff.

The exceptions to confidentiality are:

* Informed disclosure – when both parties give permission for specific information to be disclosed.
* Exceptional circumstances – when criminal activity has been disclosed or identified or where there is a serious risk to health and safety. In situations where alleged criminal activity has been identified, the mediation will be adjourned and advice will be sought from the appropriate department.

**Frequently Asked Questions**

**Do I have to agree to take part in mediation?**

No. Mediation is entirely voluntary and both parties must agree to take part in the process. You can withdraw from the process at any time.

**When can I expect to be contacted by a Mediator?**

A Mediator will contact you within seven working days of receiving a mediation request.

**What if I do not want to work with the assigned Mediator?**

If you are not comfortable with the Mediator, for instance you are concerned about impartiality, you can request a change of Mediator.

**What if I do not want to be in the same room with the person I am having the disagreement with?**

The Mediator(s) will take this into account and the joint meeting will only take place is you agree to this. You will have agreed to the ground rules on how everyone will be expected to behave. Anyone can ask for the joint meeting to be stopped to take 'time out'.

It is important to understand that, often, the most effective resolution can be achieved during joint meetings.

**Can I bring someone with me to mediation?**

Mediation often works best when those in conflict work directly with the Mediator(s) to resolve the issues. You can bring a Supporter during mediation.

The Mediator will discuss the role of a Supporter during the individual pre-meet. It is important to point out that the Supporter cannot speak on your behalf, instead, provide encouragement and care for you during the joint meeting.

**How long will the mediation take?**

This will depend on the issues to be resolved. Normally, a day is set aside so that discussions are not constrained.

**What if anyone involved has any requirements/needs?**

If you have any requirements such as wheelchair access, mobility or an interpreter for example, you should tell the Mediator as soon as possible.

**How does the Mediator role differ from a Staff Association or Trade Union representative?**

A Mediator is independent, impartial and has no line management responsibility or any other role in the process. A Mediator has been trained and certified on mediation.

**Are there any ground rules during a mediation meeting?**

Yes. These rules will be explained to you at the individual pre-meeting. During the joint mediation each party will take turns to speak. The other party should listen and give the person speaking the chance to talk without interrupting. Whilst it is acknowledged that this may be difficult, each party is encouraged to be patient with each other. To get the best out of the meeting, communication should also be open and honest. It is acknowledged that at times difficult things may be said, therefore communication should be courteous.

You will have entered into mediation to discuss a past issue(s) with a focus on the future where you are encouraged to work together to find ways of improving communication and working relationships.

**Can I be made to keep to an agreement reached in mediation?**

The purpose of mediation is to assist people who have a disagreement in reaching a joint agreement to resolve the issue(s). You take part on the understanding that you intend to keep to any agreement reached - otherwise there is no point in going ahead.

Any agreement reached can be a verbal agreement, or if all parties wish, the agreement can be written down. A copy will be given to involved parties, unless you agree there is a need for another party to have a copy.

**What happens if we do not reach agreement?**

If a resolution is not agreed, you can consider other attempts to resolve the issue informally, a formal grievance or engaging in further mediation.

Whilst mediation is more likely to be successful if it is used at an early stage, it can also be used at any stage throughout the grievance process.

**Will mediation be evaluated?**

Immediately following mediation both parties will be asked to complete an evaluation form, which will be provided by the Mediator. You should complete this and follow the return instructions on the form.

The Mediator(s) will contact involved parties after three months, six months and 12 months after the mediation to check on progress.

**What happens if post mediation things return to the way they were? What do I do?**

In the first instance, you should consider speaking to the other parties using what you have learned during your joint mediation.

Should you require further support in resolving ongoing workplace issues, you should speak to your line manager and if the issue continues, consider reengaging mediation.