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## Grievance

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## **1 Overview**

### **1.1 What is this about?**

1.1.1 At times, you may have a problem or concern that you want to talk about. The grievance procedure should be used to try and resolve any issues in the workplace.

1.1.2 Some common reasons for grievances are:

- terms and conditions of employment;
- health and safety;
- your relationships with other people in the workplace;
- bullying and harassment;
- working practices;
- your working environment;
- discrimination; and
- incorrect interpretation or application of policies or procedures.

### **1.2 Who is this for?**

1.2.1 This is for all officers (including special constables) and authority/police staff.

### **1.3 Key information**

1.3.1 If someone has a problem or concern, we will:

- do everything we can to sort things out and try to resolve it as soon as possible;
- try to find out what has happened as quickly as we can;
- deal fairly and consistently with issues;
- not accept unfair treatment of anyone involved. This would be considered under the disciplinary or misconduct procedures;
- only share details with other people if they are involved or need to know;

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- consider using mediation at any stage in the procedure. People Direct can be contacted on **[REDACTED]** or by using the People Direct Online Portal for further information.
- extend timescales if necessary e.g. if the case is more complex or involves a number of other people;
- keep evidence that we have been given confidential and, at times, anonymous; and
- alter the procedure if it is in the best interests of finding a solution (this would have to be agreed by all parties before any changes could happen).

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## **2 Staff/Officers**

### **2.1 What you need to do:**

- Discuss any concerns with your line manager;
- Try to resolve matters informally, if possible and if appropriate;
- Try to resolve problems promptly;
- Remember the procedure is not about blame. It is about resolving a problem;
- Be reasonable;
- Consider a formal grievance if the matter is not resolved informally;
- Attend meeting(s) as required; and
- Remember you can appeal if you are not happy with the outcome.

### **2.2 Resolving matters informally**

2.2.1 If you have a problem or concern, you should always speak to your line manager first, to see if it can be resolved informally. If the problem is to do with your line manager, you should discuss your concern(s) with the next level of management.

2.2.2 Your line manager will listen to your concern(s) and how you would like to see the matter dealt with and, if possible, resolved. If the problem is resolved, your line manager does not need to keep any written notes.

2.2.3 If the problem is not resolved, you can consider progressing the issue to the formal grievance procedure.

2.2.4 Sometimes, if the issue is fairly serious, it might not be appropriate to try and resolve it informally e.g. discrimination or bullying and harassment. If you think something is too serious to be resolved informally, you can consider raising a formal grievance straight away.

2.2.5 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 investigate the matter further.

### **2.3 Formal procedure**

2.3.1 If you want to raise a formal grievance, you have to write to your line manager to tell them you want to raise a formal grievance – this can be done by letter or email. You should provide as much detail as possible

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about the issue or concern. You should also include how you would like to see the issue dealt with and, if possible, resolved.

- 2.3.2 If your line manager is involved in the grievance, you should send the written grievance to the next level of management.
- 2.3.3 A group who have a common problem or concern should send in one grievance. It should be signed by all those involved and one person should be named as the main contact.
- 2.3.4 If the grievance is to do with a work colleague, they will be made aware of the issue. This will give them the chance to talk about any of the concerns raised against them. They will also be advised, in writing, of the decision, where appropriate.
- 2.3.5 Any counter grievance by another person will be dealt with by the same line manager. This is with a view to resolving the grievances as a whole and as part of the same procedure.
- 2.3.6 Your line manager will normally arrange a meeting within 14 calendar days of receiving the written grievance.
- 2.3.7 If you want to withdraw a formal grievance, you have to write to your manager and give them your reasons for doing so.

## **2.4 Executive/senior management team**

- 2.4.1 If a grievance involves a member of the Executive/Senior Management 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) 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.
- 2.4.2 If a grievance concerns the Chief Executive (SPA) or Chief Constable, the issue should be referred to the SPA Board. Any appeal would be heard by the Chairperson of the SPA Board.
- 2.4.3 Sometimes, we might have to involve an independent partner organisation.

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### **2.5 Grievance meeting**

- 2.5.1 You have the right to be accompanied at any formal grievance meetings.
- 2.5.2 Someone not involved in the grievance procedure might be asked to take notes at the meeting. You, or whoever is accompanying you, might also want to take your own notes to refer to.
- 2.5.3 At the meeting, you will be able to explain the reason for your grievance and how you would like to see the issue dealt with and, if possible, resolved.
- 2.5.4 At the end of the meeting your line manager might feel they have to look into matters a bit further before they decide an outcome. If this is the case your line manager will adjourn the meeting and reschedule a follow up meeting. Your line manager will let you know the likely actions and timescales.
- 2.5.5 Your line manager will send you copies of notes from meetings, where appropriate. You might also get other information if it would help you better understand the issue(s), actions or decisions.

### **2.6 The outcome**

- 2.6.1 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 the information available. You will be told if this is going to happen.
- 2.6.2 Your line 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.
- 2.6.3 You will be told by your line manager what, if any, action they have decided to take. They will give you a full explanation of how the decision was reached. The outcome will be confirmed in writing within seven calendar days of the meeting.
- 2.6.4 You have the right to appeal if you think the grievance has not been resolved.

### **2.7 Appeals**

- 2.7.1 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 us of your intention to appeal.

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2.7.2 Grounds for appeal might include:

- The grievance procedure was not followed;
- There is new evidence about the case that wasn't available before; or
- You think the outcome is unreasonable.

2.7.3 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.

2.7.4 The appeal meeting will normally be held within 14 calendar days of the written appeal being received.

2.7.5 After the meeting, the manager will carry out any further investigations that they think are necessary. They will try to respond, in writing, within seven calendar days. The decision of the appeal is final.

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### 3 Manager

#### 3.1 What you need to do:

- Try to resolve matters informally, if possible and if appropriate;
- Explain that the formal grievance procedure is available if you are unable to resolve matters informally;
- Resolve problems promptly and not unreasonably delay meetings or decisions;
- Deal fairly and consistently with grievances;
- Consider all the information provided;
- Explain what, if any, action will be taken; and
- Explain the right of appeal is available; where appropriate.

#### 3.2 Resolving matters informally

- 3.2.1 When one of your team makes you aware of a problem or concern, try to resolve the issue informally, where possible.
- 3.2.2 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.
- 3.2.3 If the matter is not resolved, you should make them aware of the formal grievance procedure.
- 3.2.4 If they do not want to raise a formal grievance for something that is considered to be very serious, you have to tell them that the matter might still be investigated further. As soon as you are aware of an issue, you have a duty of care as their manager to look into it.

#### 3.3 Formal procedure

- 3.3.1 As soon as one of your team makes you aware that they want to raise a formal grievance, by email or letter, you have to follow the formal grievance procedure.
- 3.3.2 If you are sent a written grievance, you should contact People Direct on **[REDACTED]** for guidance. You also need to forward a copy of the grievance to the People Direct Online Portal to ensure the details are logged.

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- 3.3.3 You should ask the team member if they need any additional support to help them fully participate in the procedure.
- 3.3.4 If a grievance is to do with another officer or member of staff, you have to let them know about the issue. This will allow them to discuss and answer any of the concerns made against them. You might also need to write to them to make them aware of your findings, where appropriate.

### **3.4 Grievance meeting**

- 3.4.1 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. This can be done by email instead, if you prefer.
- 3.4.2 You might want to 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.
- 3.4.3 At the meeting, let the team member tell you about their grievance and how they think it should be dealt with and, if possible, resolved.

### **3.5 Establishing the facts**

- 3.5.1 If you have gathered all the information that you need to make a decision, you can give the team member the outcome at the meeting.
- 3.5.2 You might decide you 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.
- 3.5.3 In some cases, it might 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.
- 3.5.4 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.

### **3.6 The outcome**

- 3.6.1 You have to tell the team member 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 grievance meeting.

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3.6.2 You need to tell them about their right to appeal.

3.6.3 All documentation must be sent to People Direct at the end of the procedure. This includes when a grievance is withdrawn.

### **3.7 Appeals**

3.7.1 The team member has to send notification of their intention to appeal and the grounds their appeal are based on, 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 team member has notified you of their intention to appeal. The appeal meeting will normally be held within 14 calendar days of the written appeal being received.

3.7.2 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.

3.7.3 The team member has to provide you with their reasons for appealing the decision and any other relevant information that should be considered.

### **3.8 The appeal meeting**

3.8.1 You might want to 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.

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

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

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

### **3.9 The outcome**

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

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

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- 3.9.3 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 staff member.
- 3.9.4 You should make every effort to complete the appeal procedure within a three week period.
- 3.9.5 All documentation must be sent to People Direct at the end of the procedure.

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## 4 Resources

### Forms

- Notes from Discussions / Meetings Form (037-031)
- Notes from Discussions / Meetings Form Continuation Sheet Form (037-031A)

### How to Guides

- How to Conduct a Formal Grievance or Appeal Meeting

### Letters

- Invite Letter
- Outcome Letter

### Reference Documents

- Frequently Asked Questions
- Process Map
- The Right to Be Accompanied

### Related Procedures

- Diploma in Police Service Leadership and Management
- Disciplinary
- Promotion
- Smoking at Work
- Transitioning at Work

### Useful Links

- Acas
- Employee Assistance Programme
- Police Service of Scotland (Conduct) Regulations 2014

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Appendix A

## Frequently Asked Questions

### **What if I have a problem or concern at work?**

Talk it over with your line manager and try to sort it out informally.

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

Talk it over with the next level of management.

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

Write to your line manager (by letter or email) and tell 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?**

Your line manager will meet with you as soon as possible and within 14 calendar days of receiving the written grievance. You should tell your line manager if you require any additional support to help you fully participate in the procedure e.g. 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.

### **Are they entitled to paid time off?**

They are entitled to take a reasonable amount of paid time off to attend the meeting. They should also be allowed time off to get to know the case and discuss any related matters with you before and after the meeting.

### **What happens if they are not available?**

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

### **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.

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

The line manager and you. There could also be a representative from People and Development (P&D) and possibly someone not involved in the grievance to take notes.

### **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, if possible, resolved. You might also have to provide clarity on any of the points talked about at the meeting. If your line manager has to look at further information or evidence, before they are able to 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 your line 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 the issue is not resolved?**

You can appeal against the outcome or decision by writing to the next level of management 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 is mediation?**

A process where someone neutral helps to try and reach an agreement. Mediation can be used at any stage in the procedure or where it is thought to be appropriate.

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

Your line manager will send you copies of any notes from meetings, where appropriate. You might also get other information that would help you better understand the issue(s) actions or decisions.

### **Who will know that I have raised a problem or concern?**

Only those involved or who need to know. If the problem is to do with a colleague, they will be made aware of the issue.

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

Unfair treatment of anyone involved in the procedure is not acceptable and would be considered under the disciplinary or misconduct procedures.

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

A group who have a common problem or concern should send in one grievance. It should be signed by all those involved and one person should be named as the main contact.

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

Where a procedure has its own appeal process it will be dealt with under the other procedure.

### **How do I withdraw a grievance?**

Write to your line manager and outline the reason(s) why you want to withdraw the grievance.

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

If the issue is thought to be serious, the Scottish Police Authority/Police Scotland have the right to investigate the matter further.

### **What support is available?**

People Direct can be contacted on [REDACTED] 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 etc.

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## How to Conduct a Formal Grievance or Appeal Meeting

### Introduction

- You should introduce those present and explain their roles.
- If the team member has not brought someone with them, remind them of their right to be accompanied.
- If accompanied you should confirm the role of the work colleague or representative i.e. they can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with the team member during the meeting or ask for a short break. They cannot answer questions on behalf of the team member.
- Make sure the team member 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 are factual and easy to understand.
- Tell the team member (or their representative) they can take their own notes if they want, for reference.
- Tell the team member they will receive copies of notes from meetings, where appropriate.

### Explain the format of the meeting and what happens next

- Tell the team member 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:** Before the meeting, find out if any rooms are available to give the team member (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 might 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 team member will be told of the outcome as soon as the matter has been fully considered. The outcome will be confirmed in writing;

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- Tell the team member 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; and
- Finally, ask the team member if they, or their colleague or representative, have any questions regarding the above procedure.

### Explore the grievance or appeal

- Ask the team member 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 team member (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.
- There is no need to arrange another meeting unless further discussion is required following any subsequent investigation. Tell the team member how you will let them know the outcome – it is better to do this in person if possible.

### End meeting and confirm decision

- After the grievance or appeal have been discussed and there are no further questions, consider whether to have a break. This will give all those present the chance to review what has been said. It will also let them consider whether there is anything they wish to ask or to add in their closing remarks.
- You should review what has been said and have a full understanding of the issue(s) before ending the meeting.
- When closing the meeting, make sure everyone understands what is going to happen next e.g. is a follow up meeting required?
- Depending on whether you have been able to make a decision during any adjournment, tell the team member they will receive confirmation of the outcome in writing. This will be within seven calendar days of the meeting.

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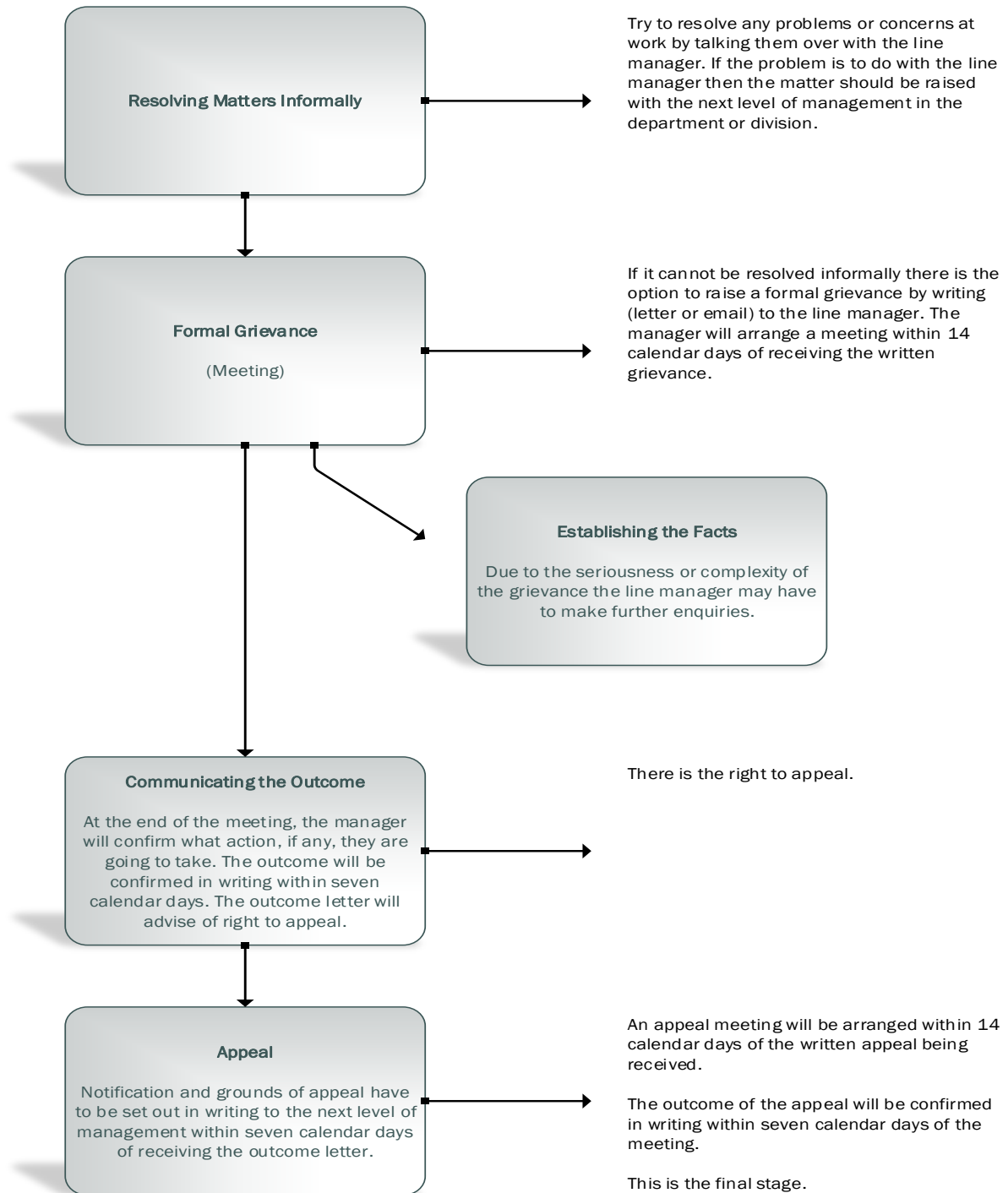
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- Tell the team member of their right to appeal. **Note:** The decision of the appeal is final.
- Draft the outcome letter and include: a summary of the grievance or appeal; information gathered (where applicable); and the decision, including reasons for this; and any recommendations.
- Send all documentation to People Direct at the end of the grievance or appeal.

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## Process Map





## The Right to be Accompanied

You have the right to bring someone with you to any formal meetings e.g. disciplinary, grievance, capability etc. This could be a work colleague or a representative of: a Trade Union, Staff Association, Scottish Police Federation or Association of Scottish Police Superintendents. You have to make your own arrangements if you want to bring someone with you.

You have to tell us the name of the person 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. They should also be allowed 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, you might be able to bring a work colleague or representative to an informal meeting. You have to be careful when asking or agreeing to this though, as it could make the meeting seem more formal than it has to be. You would have to talk this over with your manager 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 will normally 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.