

## Grievance policy

<b>Owned and maintained by:</b>	Human Resources
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### Introduction

Please note that this policy replaces our existing Grievance policy with effect from 28 March 2024.

Audit Scotland is committed to maintaining a respectful and fair environment for all colleagues. We recognise that issues, concerns, complaints, and grievances may arise from time to time, and we are dedicated to addressing these promptly, fairly, and confidentially.

These procedures may be amended in exceptional circumstances such as where you are absent through sickness or to accommodate any disabilities you may have. An external investigator may also be used in certain situations to ensure objectivity when required.

If you believe that another employee or worker has engaged in misconduct, the organisation has policies to cover some of these specific scenarios:

- If your concern relates to bullying or harassment, you should refer to our separate [bullying and harassment policy](#).
- If you have a concern relating to business ethics or conduct, you should refer to our separate [Whistleblowing policy](#).

### Dealing with your grievance informally

Wherever possible, you should seek to raise the subject of your grievance with your line manager. Most concerns, complaints and grievances are best resolved informally in discussion with your manager. Some guidance on how to do this can be found online: <https://www.acas.org.uk/how-to-raise-a-problem-at-work>

In some cases, you may find it easier/ more appropriate to discuss your grievance with a person other than your manager. In this case you can initially contact a senior manager in your team, a member of the HR team or if you are a member of the trade union, a union representative.

Your concern will be dealt with confidentially and given careful consideration and the individual will do whatever they reasonably can to support you.

While we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate. Therefore, if the informal process does not resolve matters or is not appropriate, you should raise a

formal grievance. This policy outlines the grievance process, the roles of those involved and support that is available to you.

You have the right to be accompanied to any formal grievance meeting or appeal meeting by a companion who should be a colleague, a union representative or any other person specified in legislation current at the time.

Your companion will be able to address the hearing and confer with you but not answer or act on your behalf.

**Please note:** This policy takes account of the [Acas code of practice on disciplinary and grievance procedures](#) and its [accompanying guidance](#).

If you have a grievance that relates to ongoing disciplinary proceedings against you, you should raise this during the disciplinary procedure (for example during the disciplinary meeting or appeal stage).

## Mediation

Depending on the nature of your grievance, we may suggest mediation as a means of trying to resolve it.

This involves the appointment of a third-party mediator, who will discuss your grievance with all of those involved and seek to facilitate a resolution. We will use mediation only where you, and the other parties involved in your grievance, agree to do so.

## Raising a formal grievance

Where your grievance has not been resolved informally, you should raise the matter formally in writing.

It is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, we may ask you to clarify your complaint before we hold a grievance meeting.

Your complaint should be headed "Formal grievance" and will normally be sent to your line manager and/or the Head of HR. Further guidance on possible scenarios and who to address a grievance to is shown below:

Grievance against	Address grievance to
A colleague	Your line manager and/or the Head of HR
Your line manager	The line manager of your line manager and/or the Head of HR
A line manager (not your own)	Your line manager and/or the Head of HR
The Head of HR	Director of Corporate Support

A member of the Leadership Group	The line manager of the individual and/or the Head of HR
The Chief Operating Officer	The Auditor General for Scotland/our Accountable Officer and/or the Head of HR
Auditor General for Scotland/ Accountable Officer	The chair of the Human Resources and Remuneration Committee (Remco) and/or the Head of HR

The **grievance procedure** will consist of:

- An investigation of all of the facts.
- A decision on whether your grievance is upheld, partially upheld or not upheld.
- Identification of any actions to be taken in response to your grievance.

### **Step 1 - Investigation**

Your grievance will be kept confidential as far as possible. In some circumstances, confidentiality may need to be broken. For example, if your grievance is about an individual, the individual concerned will be informed of the allegations against them as part of any investigation or where an investigation requires witness statements from others.

In the first instance, the relevant manager / Head of HR will review whether efforts have been made to resolve the matter informally. If they have not, an exploration of whether an informal resolution could be appropriate should be considered.

Before proceeding to a formal grievance meeting, we may need to carry out an investigation. Alternatively, an investigation may take place following the grievance meeting with you. This will usually be conducted by the same manager, or another appropriate manager, who will hear your grievance, with guidance from a member of the HR team.

On occasion, this may also include the use of an independent external investigator, for example, in cases where the issues raised are complex. HR can provide advice in these circumstances.

The relevant manager or external investigator will write to you confirming that they are conducting the investigation and the expected timescale for completion.

The nature of investigation and time this will take will vary depending on the nature of your grievance, however we will aim to conduct this as quickly as possible.

### **Step 2 - Hearing your grievance**

#### **The grievance meeting**

The grievance meeting will normally be held within five working days of receiving your written complaint. However, if this is not possible, you will be informed of the reason for any delay.

The meeting will usually be conducted by the same manager who received your grievance or another appropriate manager. Where it is considered appropriate, a member of the HR team may also be present.

You have the right to be accompanied to any formal grievance meeting or appeal meeting by a companion who should be a colleague, a union representative or any other person specified in legislation current at the time. Your companion will be able to address the hearing and confer with you but not answer or act on your behalf.

The purpose of the meeting is for you to explain the nature of your complaint and what action you feel should be taken to resolve the matter. If more information comes to light, it may be necessary to adjourn the grievance meeting to conduct a further investigation and reconvene the meeting when this has been done.

If you are unable to attend the grievance meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible. For example, if you are taken unwell. An alternative date and time can be agreed as soon as practically possible.

You can also suggest a different time for the hearing if the person accompanying you cannot attend. Wherever possible, the new date and time should be within five working days of the original date proposed.

If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the grievance meeting may take place in your absence, based on your written grievance statement and any other documentation available.

If you are on long-term sick leave and unable to attend any meetings, you can supply written information instead for your grievance to be considered.

### **The outcome**

Following the meeting, the relevant manager will inform you in writing, usually within seven working days after the meeting, of the outcome and any action that will be taken as a result of your complaint.

### **Step 3 - Appeal**

#### **Appealing against the outcome**

If you are not satisfied with the action taken as a result of your grievance, you may submit a formal appeal.

You should appeal in writing to the manager who conducted your initial grievance hearing or the Head of HR within seven working days of receipt of the grievance outcome letter.

You should clearly state the grounds of your appeal, i.e. the basis on which you consider that your grievance has not been satisfactorily resolved. Your appeal should be clear in noting whether this has been through the action taken or from the process followed.

### **Appeal meeting**

We will normally arrange an appeal meeting within five working days of receipt of your appeal to consider the matter. However, if this is not possible, you will be informed of the reason for any delay.

The appeal meeting will be conducted by an appointed individual who is more senior than the manager who conducted the original grievance meeting.

They will focus on your grounds for appeal, consider these and review the conclusion reached in the original grievance meeting. Where appropriate, a member of the HR team may also be present.

If you are unable to attend the appeal meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible. For example, if you are taken unwell. An alternative date and time can be agreed as soon as practically possible.

You can also suggest a different time for the hearing if the person accompanying you cannot attend. Typically, the new date and time should be within five working days of the original date proposed.

If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the appeal meeting may take place in your absence, based on your written appeal statement and any other supporting documentation available.

If you are on long-term sick leave and unable to attend any meetings, you can supply written information instead for your appeal to be considered.

### **Outcome of appeal**

Following the appeal meeting, the relevant manager will inform you in writing, usually within seven working days, of the outcome.

The outcome of the appeal is final.

### **Recording of meetings**

A written record of all formal meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by us to take notes.

A copy of the meeting notes will be given to you to confirm that these are an accurate reflection of the discussion as soon as practically possible following the meeting. Please note that these will not be verbatim.

If any changes need to be made, please provide a copy with your changes highlighted, within five working days of receipt. Where any suggested changes

are made, but not agreed with by the person chairing the meeting, both copies of the notes will be held on file.

You, or any person acting with you or on your behalf, are not normally permitted to record electronically any meeting that we hold under the grievance policy. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

## **Fairness and respect**

We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.

Confidential support is available from our employee assistance programme accessed via our Occupational Health specialist.

We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our disciplinary policy.