

# Grievance Policy

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

Audit Scotland will endeavour to resolve any grievance or complaint you may have about your employment as quickly as possible. Incidents of harassment are included as a grievance in this context. This section contains details of what you should do to make your grievance heard. These procedures may also be amended in exceptional circumstances such as where you are absent through sickness or to accommodate any disabilities you may have.

Wherever possible, you should seek to raise the subject of your grievance with your line manager. Most complaints and grievances are best resolved informally in discussion with your manager. You and your manager may choose to keep a note of your informal discussion. Sometimes matters are best managed by means of facilitated mediation. The mediator may be someone external to Audit Scotland or a trained/experienced mediator from within Audit Scotland. If mediation is considered appropriate then this will be discussed with you by your manager or a member of the HR & OD team.

In some cases, you may find it easier to discuss your grievance with a person other than your manager. In this case you should initially contact the HR & OD Manager or another member of the HR & OD team who will provide you with a choice of Audit Scotland employees who may be approached. Your issue will be dealt with confidentially and seriously and the individual will do whatever they reasonably can to support you.

You have the right to be accompanied to any formal grievance meeting by a companion who should be a colleague 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.

Should you wish to raise a formal grievance the following stages will apply:

### Stage One

- 1.1.** If you cannot resolve the grievance informally you should provide your line manager with written details of your grievance. If the grievance lies with your manager then you should provide written details to your senior manager or the HR & OD Manager. If further enquiries need to be made you will be informed accordingly.

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- 1.2. Following any enquiries and a meeting with you, your manager will notify you of the outcome in writing. This may be that action will be taken to resolve your grievance or that the matter is being referred to a more senior manager. If no further action is considered appropriate an explanation for this will be given. A record of your grievance will be made.
  - 1.3. Normally, a meeting with you to discuss your grievance will take place within seven days and you will receive written notification of the outcome within fourteen days.

### **Stage Two**

- 1.4. If the matter has not been resolved at stage one or within a reasonable period of time you may choose to raise your grievance with a more senior line manager by providing details in writing. If further enquiries need to be made you will be informed accordingly.
- 1.5. Following any enquiries and a meeting with you, your senior manager will notify you of the outcome in writing. This may be that action will be taken to resolve your grievance or that the matter is being referred to a more senior manager. If no further action is considered appropriate an explanation for this will be given. A record of your grievance will be made.
- 1.6. Normally, a meeting with you to discuss your grievance will take place within seven days and you will receive written notification of the outcome within fourteen days.

### **Stage Three**

- 1.7. If the previous stages have not resulted in your grievance being resolved, you may choose to appeal the previous decision and have your grievance heard by an Audit Director / Director outside of your Business Group. You should notify both your Director and the HR & OD Manager in writing.
- 1.8. The HR & OD Manager will arrange for a hearing to be held within fourteen days. The person chosen to hear your grievance will have regard to the appropriate level of management, independence and non-involvement in any previous involvement in the matter. A suitably qualified member of the Human Resources team will attend the hearing to advise upon procedural matters.
- 1.9. At the hearing you will be given an opportunity to present your grievance and any record from previous stages will be considered.
- 1.10. Evidence in the form of witness statements may be considered appropriate. Subject to confidentiality restrictions, witnesses may be asked to attend the hearing following the prior submission of written statements. The person hearing the appeal will decide whether witness statements will be obtained and/or whether witnesses will be asked to attend the hearing and give evidence. This decision is normally taken after consulting with both parties. The order/sequence in which witnesses are invited to attend and give evidence is also determined by the person hearing the appeal. This is to try and ensure

that witnesses are not unduly influenced by what they might otherwise hear during earlier parts of the appeal hearing.

- 1.11. The procedure that will be followed by all parties at the stage three meeting is set out in appendix 1.
- 1.12. Following the hearing, the Audit Director / Director will either confirm what action is being taken to resolve your grievance or advise that no further action is being taken and the reasons for this. You will receive this written information within fourteen days of the hearing. A record of your grievance will be made.
- 1.13. You should note that in the course of investigating your grievance due consideration will be given to the need for confidentiality of information provided by witnesses where appropriate. During any hearing no party has the right to directly examine or cross-examine the witness other than at the discretion of the panel and in a non-acrimonious manner.

## Appeals Process

If you are dissatisfied with the outcome you make a formal appeal. Your appeal should be made in writing to the manager who conducted the initial grievance hearing or The HR & OD Manager. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within seven working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within [fourteen] working days of the submission of your formal appeal, wherever possible.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the HR & OD Manager of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

The appeal hearing will be conducted by an appointed Manager or Director who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate.

Following the appeal meeting, you will be informed of the outcome within seven working days, wherever possible. The outcome of this meeting will be final.

### 1. Grievance with other employees

If you believe that another employee or worker has engaged in misconduct then you should approach your line manager or a senior member of the HR team. Your concerns will be treated in strict confidence and you will be informed accordingly of matters.

### 2. Breach of Audit Scotland's ethical standards

Audit Scotland is dedicated to dealing with any concern you may have regarding possible malpractice. This would include financial irregularities, breach of legal obligations etc. If you raise

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a genuine concern you will be protected from losing your job or suffering any victimisation. As long as you act in good faith it does not matter if it transpires that you are mistaken.

If you have a genuine concern you should refer to our Whistleblowing Policy which forms a part of the Staff Handbook.

This procedure is provided in relation to issues relating to business ethics or conduct. If your concern is of a more personal nature, the procedure relating to grievances is probably more appropriate.

### 3. Your right to be accompanied

You have a statutory right to be accompanied by a fellow worker or trade union official to certain grievance hearings. Details are contained within the ACAS Code of Practice on Discipline and Grievance which can be found on the ACAS web site. Alternatively, a copy can be provided to you by the HR & OD Manager upon request.

The following sets out the procedure for the conduct of the hearing of a grievance under stage three of the grievance procedure.

1. The Audit Director / Director will have considered the written submissions of the aggrieved party;
2. The aggrieved party will then be given an opportunity to explain why the grievance should be upheld;
3. The management representative will then also be given an opportunity to explain why the grievance should be dismissed or no further action taken;
4. The Audit Director / Director may then decide, at their discretion, to read out witness statements or invite witnesses on behalf of both parties to make a statement. Both parties may be given an opportunity by the Audit Director / Director to put forward questions to the witness(es);
5. The aggrieved party will sum up the case for the decision to uphold the grievance;
6. The management representative will have the opportunity to sum up the case for the decision to dismiss the grievance or the taking of no further action;
7. Both parties will retire to allow the Audit Director / Director to consider their decision and notify the aggrieved party in accordance with the grievance procedure.