This policy is a template and should be adapted to suit your organisational values, needs and requirements. You should also check this policy is compliant with the law and your organisation’s governing document. No liability rests with SCVO.

**Note**

**This policy is for employees (PAYE) to raise concerns or complaints. Employees (PAYE) have a statutory right to raise a grievance and employers need to provide their employees with a formal process for addressing workplace concerns. You can follow a similar process with your freelance team members and include a ‘dispute resolution’ clause in your freelance agreements.**

Employees can raise a grievance if they have a concern or a complaint about their work, working conditions, or relationships with colleagues. It is important to follow a grievance process to ensure that issues are addressed and to maintain a fair working environment. The grievance procedure normally involves reporting the issue to a designated person or role, an investigation, and providing a mechanism for appeal if needed. ACAS has developed detailed guidance on how to conduct the process and it is regarded as good practice to follow the ACAS guidance.

Offering mediation as an alternative to a formal grievance process is also considered good practice. Mediation is a voluntary and confidential process where an impartial third party, the mediator, helps disputing parties reach a mutually acceptable resolution. While mediation is generally encouraged, it's important to note that it may not be suitable for all situations. In some cases, a formal grievance process may be necessary to address more serious or complex issues. The key is to assess each situation individually and provide employees with options that best suit the nature of their dispute.

Grievance procedures should include an informal stage. The informal stage is the first step towards resolving the workplace concern or dispute without following a formal and structured procedure. It involves encouraging open communication between the parties involved in the grievance to find a resolution informally. While the informal stage is generally a good starting point for addressing workplace grievances, it's essential to recognise that not all issues can be resolved informally. In cases where informal attempts are unsuccessful, a more formal grievance procedure may be necessary to ensure a fair resolution.

The Ouch and Oops approach is a valuable tool for supporting a culture of open communication, mutual respect, and conflict resolution. It encourages individuals to express their feelings and take responsibility for fostering positive interactions. This approach should not replace a grievance process, but it may help to avoid situations escalating into a formal complaint or concern. See SCVO’s Ouch and Oops guidance for more information about this approach.

Having a grievance process in place supports employees to voice their concerns without fear of reprisal. This empowerment aligns with the principles of dignity at work, allowing individuals to assert their rights and seek resolution when they feel they have been treated unfairly, bullied or harassed. Also, the process involves documenting the concern, an investigation and resolution steps, which offers some protection to your organisation if the situation escalates to an employment tribunal.

**Grievance policy**

**Please contact the SCVO HR Service for advice if you have any questions relating to this policy template. If you are not a member of HR for Creatives or an HR service subscriber, we may still be able to help. Email** [**hrservice@scvo.scot**](mailto:hrservice@scvo.scot) **and we’ll get back to you within 48 hours.**

**Raising a grievance at [Org name]**

**1 Informal process**

It may be possible to resolve your grievance informally, through open communication with your manager. If appropriate, speak to your manager without delay and try to find a solution together.

**2 Formal process**

If you feel that the grievance is too serious to discuss informally, put your grievance in writing to your line manager.

If your grievance is about your manager, or, if there is some reason you do not want to raise it with them, put your grievance in writing to [a more senior manager, a member of your board of trustees or an independent person].

Set out the details of the grievance and realistic suggestions as to how you would like the grievance to be resolved.

We will write to you within one day to confirm that your grievance has been received and to let you know what will happen next.

**2.1 Grievance meeting**

The next step is to invite you to a meeting to discuss your grievance. We will normally meet with you within five days of receiving your written grievance.

A senior manager [or a member of your board of trustees or an independent person] will hear your grievance and take a note of the meeting. You can bring a current work colleague or a trade union representative with you to this meeting.

The meeting is an opportunity to explain your grievance and how you think [add organisation name] can resolve it. We ask that you make every effort to join this meeting.

A note of the meeting will be taken, summarising what was discussed, and a copy will be shared with you.

If further investigation is necessary, for example if we need to interview other members of staff, we will adjourn the meeting. We will let you know within five working days of the meeting what the next steps are. The next steps may include an outcome letter, or further investigation.

**2.2 Outcome**

If possible, we will let you know the outcome of your grievance within five working days of meeting with you (unless further investigation is necessary). We will let you know in writing, and you can appeal against the decision if you do not agree with it.

It may take longer than five days to make our decision. In this case we will keep you informed about the revised timescales.

It may not be appropriate to share with you in full detail the outcome of your grievance. For example, if your grievance involves another member of staff, it may not be appropriate to share with you the details of any decision regarding other members of staff.

**3 Further investigation**

If the action or behaviour of another member of staff [or a member of our wider workforce] is the cause of your grievance, it will be necessary to investigate the action/behaviour.

If it is necessary to interview other team members, we will follow the ACAS Code of Practice for disciplinary and grievance procedures, and the ACAS guide to conducting workplace investigations.

An investigating officer and terms of reference for the investigation will be agreed. Staff can be accompanied by a current colleague or trade union representative at any meeting called under this procedure and will be given advance notice of investigation meetings (five days where possible).

**4 Appeals**

If you are not happy with the grievance decision, you can appeal in writing within five days of receipt of the decision. Your appeal must explain why you are appealing the decision. Your reason for appeal can include that you have new information that was not included in your original grievance.

We will invite you to an appeal meeting, usually within five days of you lodging your appeal. Wherever possible, the appeal meeting will be heard by a different manager. You may be accompanied by a trade union representative or work colleague.

Our final decision will be sent to you in writing. We try to do this within five days of the appeal hearing. You do not have any further right to appeal against our decision.

**5 Grievances involving senior managers / leaders**

If the subject of the grievance is your manager or a more senior member of the team, send your written grievance direct to [enter here, more senior person] who in consultation with a director/chief executive/member of the board (as appropriate) will decide who will hear the grievance.

**6 Whistleblowing policy**

The whistleblowing policy deals with serious or sensitive concerns about wrongdoings such as:

* a criminal offence
* a failure to comply with any legal obligation
* a miscarriage of justice
* a health and safety risk to an individual
* damage to the environment
* fraud or corruption
* the mistreatment of members
* unauthorised use of the organisations’ money
* breaches and abuses of the organisations’ own policies
* or concealment of the above.

See our Whistleblowing Policy for more information [a whistleblowing policy template is [available from SCVO](https://scvo.scot/support/hr-for-creatives/key-policies)]

**7 Protection against detriment**

Nothing in this procedure is intended to prevent you from raising a concern you have. If you raise a genuine concern under this procedure, you will not be subject to any detrimental or less favourable treatment as a result.

The above protection does not apply to claims that are found to be vexatious or malicious i.e. claims made with the intention to harass or harm.

**8 Extending timescales under the procedure**

The timescales outlined in this procedure will be followed whenever this is reasonably practicable. There may be extenuating circumstances that are outside of either parties’ control, that result in the timescales being extended.

We will advise you as soon as possible if it is not reasonably practicable to follow the stated timescales, and revised timelines will be agreed.

**Note**

Here are some examples of situations in which an employee might raise a grievance:

Harassment or Bullying: you are being subjected to inappropriate comments or behaviour from a colleague, creating a hostile work environment.

Discrimination: you feel you are being treated unfairly based on characteristics such as your race, gender, age, disability, or other protected characteristics.

Working Conditions: your working conditions are unsafe, inadequate facilities, or a failure to address health and safety concerns in the workplace.

Change in employment terms: your employer has made a change to your job responsibilities, working hours, or other employment terms without proper consultation or agreement.

It is important to follow the grievance process for several reasons:

Resolution of issues: the process provides a structured way to address and resolve workplace issues, helping to find a fair and reasonable solution.

Maintaining a positive work environment: resolving grievances promotes a healthy and positive work environment, contributing to employee well-being and job satisfaction.

Legal compliance: following a grievance procedure ensures compliance with employment law.

Fairness and transparency: a formal process ensures that employees are treated fairly and transparently, reducing the likelihood of bias or favouritism.