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ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND

PRINCIPLES FOR GRIEVANCE

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ACPOS PRINCIPLES FOR GRIEVANCE

This set of principles has been produced to assist each of the Scottish police forces and the Scottish Police Services Authority (SPSA) in the development of a Grievance Policy and Guidance.

The document has been developed by a working group of the Association of Chief Police Officers in Scotland (ACPOS) Personnel & Training Business Area, including representatives from the Scottish Police Federation, UNISON and the Association of Scottish Police Superintendents.

It is recommended that the principles under-noted are included as a minimum standard and incorporated by each force and SPSA in local policy and guidance. It is recognised that the forces and the SPSA may take action to develop the principles further in accordance with organisational requirements.

ACPOS Position

The Scottish police forces and SPSA are committed to treating people openly, fairly and with dignity and respect. The aim of a Grievance Policy is to provide a framework whereby any member of staff is encouraged to raise a competent grievance in the knowledge that it will be addressed fairly, justly and promptly. This is an important factor in contributing towards the delivery of an effective police service in Scotland.

Principles

- **ACPOS supports the principles set out in the ACAS Code of Practice on Grievance Procedures. The ACAS Code defines grievances as “concerns, problems or complaints that employees raise with their employers”**

The ACAS principles should be applied as a minimum standard, together with the principles set out in this document and will apply to police officers, police staff, special constables and cadets. Consideration should be given by forces and SPSA to extending the principles to others within the organisation, such as agency staff.

- **A Grievance Policy/Guidance should contain information relating to informal resolution, including the option of mediation.**

The guidance must emphasise the need for issues to be resolved informally, speedily and effectively at first management level (wherever possible). Managers and supervisors continue to have personal responsibility to take grievances seriously and to ensure a proportionate and reasonable response.

Mediation can be an effective method of resolving certain issues of interpersonal conflict. Mediation is more likely to lead to a successful outcome when it is used at an early stage in the conflict, but can be used at any stage of a grievance. Mediation is not a substitute for management responsibilities.

- **Managers should ascertain at the outset the expectations of the person seeking to raise a grievance.**

It is important that the individual is clear about what they hope to achieve by raising a grievance. If the expectations of the individual are unrealistic, the manager should explain the process and the possible range of outcomes.

- **Each force and SPSA must have a written Grievance Policy and Guidance or Standard Operating Procedure which is developed in consultation with staff associations/trade unions and is readily accessible to all those covered by the procedure.**

It must be clear to individuals how they can raise a grievance.

In employment legislation, the definition of a grievance is fairly wide. It is advisable for a line manager to consider seriously any written communication from a member of staff which contains a concern or indication of work-related dissatisfaction. If efforts to resolve the matter informally do not succeed, it should be dealt with as a formal grievance.

The policy should clearly explain any exceptions. It is recommended that exceptions are kept to a minimum and restricted to specific matters, such as appeals processes under other force procedures or statutory issues outwith the control of the force (e.g. tax, National Insurance, pensions).

The policy should contain and explain the local process to address a grievance by a police officer about a chief officer, including the role of the local police board.

The policy should set out the local process for dealing with collective grievances.

- **Stage 1 grievances should normally be resolved by the individual's line manager. However, if the line manager is the subject of the grievance, the matter should be reported to another suitable line manager.**
- **The focus of a grievance policy should be on resolution, not on apportioning blame or providing punishment.**

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Occasionally, the investigation of a grievance may indicate that a criminal or disciplinary offence has been committed by a member of staff. In such cases, a criminal enquiry and/or force disciplinary/misconduct procedures will be initiated. In the majority of cases, it may be appropriate for the grievance to be put “on hold”, pending the outcome of the discipline/misconduct enquiry.

- **A manager who is in receipt of a formal grievance must register this at the outset of the process with the force lead individual.**
- **Timescales should be clearly laid out for each stage of the grievance and the importance of meeting these timescales must be emphasised. Managers must document the reasons for any departure from the timescales, which should only be due to exceptional circumstances, such as absence.**

Each force may set their own timescales for each stage, but the total length of time to conclude a three-stage grievance (allowing time for the individual to consider the outcome at the end of each stage) should not exceed three months. Police staff who have a further right of appeal to their employer (normally the local joint police board) should have their appeal heard within a defined timescale, generally not exceeding an additional two months.

- **Where a formal grievance is raised, the aggrieved individual must be invited to a meeting without unreasonable delay, to discuss their concerns.**

The individual should be advised of their right to be accompanied.

It may be necessary for the manager to meet with other parties and to carry out further research before seeking resolution.

Confidentiality is important and parties should be given information on a “need to know” basis.

- **A grievance should not be handled as a police enquiry and does not require the same investigative approach as a criminal investigation.**

Witness statements are not appropriate. However, written notes should be taken and retained with the grievance papers.

Decisions in a grievance must be made on the balance of probabilities, which is the standard of proof used by employment tribunals.

Any issue which is a staff-related concern may not be raised by a third party as a grievance or complaint about the police.

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- **Forces must have support mechanisms in place for both the individual who is aggrieved and any individual who is the subject of a grievance.**

Sources of advice and/or support in relation to grievance matters should be outlined within the force policy and may include:

- HR staff
 - Equality & Diversity staff
 - Staff association or trade union representatives
 - Welfare staff
 - First Contact Officers
 - Safecall or other Integrity reporting schemes
- **All parties will be kept informed of the progress of a grievance, with due regard for confidentiality.**

At the end of each stage of a grievance, the aggrieved individual should be advised of the outcome, in writing, without unreasonable delay. The individual should be informed of their right to appeal and how to appeal if they are not content with the action taken.

Any individual who is the subject of a grievance should also be made aware of the progress being made towards conclusion and advised of the outcome when a conclusion has been reached.

- **Forces must ensure that first line managers and senior managers are trained in grievance handling (including the ACPOS principles contained within this document) together with local force policy and guidance.**
- **Each force must have a named senior lead to oversee the grievance process. Specific responsibilities of this person are:**
 - To ensure consistency and fairness
 - To record and monitor grievances to identify trends and patterns
 - To ensure there is suitable marketing/communication for the grievance policy
 - To ensure that managers are suitably trained in grievance handling
 - To involve local staff association and trade union representatives in the training process
 - To assist with the resolution of workplace disputes
 - To review grievances and highlight learning points (at an individual and organisational level)
 - To store and retain grievances, securely and separately from the individual's personal file, and in accordance with the ACPOS retention policy.

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