



Scottish Rail Holdings Limited

Grievance Policy

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Document Approval

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SRH Grievance Policy

1 Aim of this policy

- 1.1 This policy aims to ensure that grievances are dealt with fairly and without unreasonable delay. It sets out the procedure Scottish Rail Holdings Limited ('SRH', 'we', 'us') will follow if any employee of SRH ('employee', 'you') raise a grievance. Most grievances can be resolved quickly and informally through discussion with your line manager. If this does not resolve the problem, you should initiate the formal procedure set out below.

2 Scope

- 2.1 This policy applies to employees only. It does not apply to agency workers or self-employed contractors working for SRH.
- 2.2 This policy applies to all employees regardless of length of service.

3 Does this policy form part of my contract?

This policy does not form part of any employee's contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case.

4 When should I use a different policy?

- 4.1 If you are unhappy with the outcome of disciplinary proceedings, you should lodge an appeal under the procedure in our Disciplinary Policy, rather than raising a grievance.
- 4.2 We have separate policies for dealing with complaints of whistleblowing and of bullying and harassment. If you are not sure which policy to use, please get in touch with your line manager.
- 4.3 The procedure outlined in this policy does not apply to collective grievances. A collective grievance is a grievance raised by a representative on behalf of two or more employees. We will decide on the appropriate procedure for dealing with a collective grievance on a case-by-case basis, depending on the facts and circumstances of the complaint.

5 Informal grievance procedure

Where possible, you should first raise a grievance informally by discussing it with your line manager. If you feel unable to approach them, then contact the SRH People & Culture Director or otherwise the SRH General Counsel. If your complaint cannot be resolved informally, you should raise a formal grievance, following the procedure set out below.

6 How should I raise a formal grievance?

6.1 Step 1: Written Grievance

6.1.1 If you have a grievance that can't be resolved informally, you can raise a formal grievance by setting it out in writing and sending it to your line manager. If your complaint involves that person, you can refer to the SRH People & Culture Director; if the SRH People & Culture Director is your line manager, you can refer to the SRH General Counsel. You should not unreasonably delay in raising a grievance.

6.1.2 Your written grievance should contain a brief description of the reasons for your complaint, including any relevant facts, dates and names of individuals involved. It is also helpful if you indicate the outcome you are seeking. Copies of all relevant documents should be attached. We may ask you to provide further information.

6.2 Step 2: Meeting

6.2.1 We will arrange a grievance meeting, normally within one week of receiving your written grievance. You should make every effort to attend. We will inform you in writing of:

- The date, time and place of the meeting.
- Your right to be accompanied at the meeting (see paragraphs 6.2.3 and 6.2.4 and section 16 below).

6.2.2 We will usually give you between three and five working days' notice of a meeting to allow you a reasonable opportunity to prepare.

6.2.3 You may bring a companion to the grievance meeting if you make a reasonable request in advance and tell us the name of your chosen companion. The companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as your companion.

6.2.4 If you or your companion cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.

7 Who will chair a grievance meeting?

If we receive a formal grievance, we will appoint a senior manager to manage the process. The grievance hearer will be provided with a copy of your written grievance and will chair the grievance meetings. You will be told who is dealing with your grievance.

8 What will happen at a grievance meeting?

- 8.1 You will be given the opportunity at a grievance meeting to explain your grievance and how you think it should be resolved.
- 8.2 Usually, we will hold an initial meeting with you to obtain information about your grievance. This meeting may be adjourned for investigation (if required, see section 10 below) and reconvened once the investigation is complete.
- 8.3 Even if an investigation is not required, we will not normally make a decision at the grievance meeting. We may hold further grievance meetings with you as appropriate.

9 Investigation

- 9.1 After the grievance meeting, we will usually investigate your complaint.
- 9.2 Any investigation will take place within a reasonable timescale. The amount and type of investigation will depend on the nature of your complaint. We may need to speak to witnesses and take statements from them. We may also need to have another meeting with you to obtain further information or clarification. Grievance investigations will usually be carried out by the grievance hearer, but we may decide that it is appropriate to appoint an independent investigator.

10 When will you tell me the outcome of my grievance?

- 10.1 We will write to you, usually within one week of the last grievance meeting, to confirm our decision and notify you of any further action that we intend to take to resolve the grievance. We will also advise you of your right of appeal.
- 10.2 In some cases, the grievance hearer may also arrange a meeting to inform you of the decision in person.

11 Can I appeal against a grievance decision?

Yes. If you disagree with our decision, you can appeal in writing within one week of being informed of the decision being sent or given to you. You must send your appeal letter to the Grievance Hearer. Your letter must set out the full grounds for your appeal.

12 Who will hear my appeal?

Where reasonably practicable, the appeal will be heard by a senior manager or director who has not previously been involved in the case and who is more senior than the grievance hearer.

13 Notification of grievance appeal meeting

13.1 We will hold an appeal meeting, normally within two weeks of receiving the appeal.

13.2 We will inform you in writing of.

- The date, time and place of the meeting; and
- Your right to be accompanied at the meeting.

13.3 We will usually give you between three and five working days' notice of an appeal meeting. If you raise any new matters in your appeal letter or at your appeal meeting, we may need to carry out further investigations.

14 When will you tell me the outcome of my appeal?

The appeal hearer will notify you in writing of their decision usually within one week of the appeal hearing. In some cases, the grievance appeal hearer may arrange a meeting to inform you of the decision in person.

15 Can I appeal again if I'm not satisfied with the decision?

No. The appeal hearer's decision is final and there is no further right of appeal.

16 Can I bring a companion to a grievance or appeal meeting?

16.1 You can bring a companion to any grievance or appeal meeting under this procedure. Your companion can be a work colleague, trade union representative or official employed by a trade union. You should inform the person chairing the meeting of your choice of companion in good time before the meeting, so that arrangements can be made for them to attend.

16.2 Your companion may address the meeting by explaining and summing up your case and responding on your behalf to any views expressed at the meeting. They may confer with you (privately if you wish) during the meeting but may not answer questions on your behalf, address the meeting if you do not wish them to do so or prevent the person chairing the meeting from explaining their case.

16.3 It is your responsibility to ensure that your chosen companion is willing and available to accompany you to the meeting. If your chosen companion is unavailable on the first proposed date, you may suggest a reasonable alternative time and date so long as it is not more than five working days after the original date.

17 Note-taking and recording

- 17.1 An administrator will usually be present at all meetings held under this procedure, to take notes of what is discussed and any outcomes agreed. We will send you a copy of these notes.
- 17.2 Unless we have agreed otherwise, you, or anyone accompanying you must not make electronic recordings of any meetings conducted under this policy.

18 Timescales

In some circumstances it may not be possible for us to meet the timescales in this policy. This may include where a matter is complex, requires detailed or wide-ranging investigation, or if relevant personnel are unavailable. If this is the case, we will tell you the reason for the delay and the revised timescales.

19 Timing and location of investigation meetings, and grievance and appeal hearings

We will arrange meetings at a reasonable time and in a reasonable location. They will usually take place during working hours, in a private room in the workplace.

20 What if I can't, or don't, attend a meeting?

- 20.1 You should make every effort to attend meetings. If you cannot attend you should inform us immediately and explain the reasons for this.
- 20.2 If you have a good reason for not attending, we will usually re-arrange a meeting on the first occasion. In most cases, if you are not able to attend the rearranged meeting it will take place in your absence. We may give you the opportunity to make written representations in this situation.
- 20.3 If you are unable to attend due to ill-health and it appears to us that this is likely to remain the case for an extended period, we may require you to cooperate in obtaining a medical report to determine whether or not you are sufficiently fit to attend a meeting under this procedure. If you are not fit to attend, we may proceed in your absence. We may give you the opportunity to make written representations in this situation.
- 20.4 If your chosen companion is unavailable on the first proposed meeting date, you may suggest a reasonable alternative time and date so long as it is not more than five working days after the original date.

21 Confidentiality

You must treat as confidential any information relating to a grievance or grievance investigation, including any personal information relating to other employees or third parties.

22 Disability

If any aspect of this policy causes you difficulty on account of a disability, please inform the SRH People & Culture Director.