

# GRIEVANCE

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## 1. PURPOSE

To enable employees to seek redress for any grievance or other issue relating to their employment and to comply with the ACAS Code of Practice on Grievance and Disciplinary Hearings.

This Policy is not intended to be used for grievances relating to a disciplinary decision - where the appeals procedure contained within the Discipline Policy must be utilised. Issues concerning harassment are best dealt with using the procedure outlined in the Dignity at Work Policy.

## 2. SCOPE

All established and temporary employees.

## 3. POLICY STATEMENT

We place responsibility upon all employees and managers to develop a constructive working relationship where:

- employees are to be treated first and foremost as people with individual needs and expectations; and
- any individual's problems may be dealt with openly, promptly, fairly and frankly.

Where a problem is considered to be of a sufficiently serious nature to be termed as a grievance, the Grievance Procedure provides a framework for dealing promptly and fairly with the matter.

Any grievance must be settled as quickly as is reasonably practicable and as near to its source as possible.

## 4. PROCEDURE

The following procedure is designed to achieve the objectives referred to above in an effective and efficient manner. It should not be used until either the normal work place communications have been shown to be ineffective or unless the

problem or issue is inappropriate to be dealt with through the normal communication channels.

A grievance must normally be raised within three months of the issue having arisen or the incident having taken place. This may be after the employee leaves our employment (although a different procedure applies – see clause 4.3).

## **4.1 Stage One**

Any employee who has a personal grievance or problem should normally raise the issue with his or her immediate manager. Only where this is not appropriate should the employee immediately take their grievance to their line manager's manager or use the final stage as detailed in 4.2. To raise a grievance the employee should complete the form attached at Appendix I, which clearly indicates that the formal Grievance Procedure is being utilised. The form should include specific details as to the reason for the grievance and of the individual's desired outcome. If appropriate, documentary evidence can be attached to the form.

The individual should also send a copy of the form to the Chief Executive.

Providing the above procedure is followed, the manager must send the individual a written acknowledgement of receipt of the grievance and arrange a meeting with the individual as soon as is reasonably practicable. Even if the first meeting is of an exploratory nature it should normally take place within five working days of the notification of the grievance. The individual employee may wish to be accompanied to the meeting by a work place colleague or by a trade union representative. The manager hearing the grievance should also be accompanied by a member of staff or another manager.

Written notes summarising the content of the meeting must be made and must be signed by both parties. A copy of the written summary should be given to the individual for their retention. Where the individual chooses not to be accompanied it is advisable to make a note of this in the written summary.

The manager should also respond in writing to the individual confirming the outcome of the grievance within 5 working days of the date of the hearing. If this is not possible the employee should be told when he/she can expect a response and the reason for the delay explained.

Once this stage of the grievance procedure is completed, irrespective of whether a solution to the grievance has been agreed upon, all documentation connected to the grievance must be kept confidentially on the individual's personal file.

## **4.2 Final Stage - Appeal**

Where the employee is not satisfied with the result of Stage One of the procedure, they may appeal against the decision, in writing, within ten working days, to the Chief Executive.

Again the individual will be sent a written acknowledgement of receipt of the grievance and a meeting will normally be arranged within ten working days of receipt of the appeal or as soon as is practicable thereafter.

The employee may be accompanied to this meeting by a workplace colleague or by a trade union representative who may act as their companion. The Chief Executive should also be accompanied at the meeting by another manager.

Written notes summarising the contents of the meeting must be made and must be signed by both parties. A copy of the written summary should be given to the individual for their retention. Where the individual chooses not to be accompanied it is advisable to make a note of this in the written summary.

Confirmation of the outcome of the appeal will also be given in writing. The Chief Executive will respond in writing to the grievance within five working days of the date of the appeal hearing. If that is not possible the employee should be told when he/she can expect a response and the reason for the delay explained.

The decision of this meeting is final.

Once the appeal is completed, irrespective of whether a solution to the grievance has been agreed upon, all documentation connected to the grievance must be kept confidentially on the individual's personal file.

### **4.3 Complaints raised on/after termination of employment**

If a grievance is raised immediately prior to an employee leaving our employment, (or within three months of having left our employment) and the incident occurred before 6 April 2009 it may not be reasonably practical to follow the formal procedure in its entirety. In these cases an alternative procedure could be recommended to the employee and, if both the employee and the organisation consent, in writing, the grievance may be considered without a meeting being held. Where this applies, the employee should still submit the grievance in writing. After due consideration, the appropriate manager will provide a written response to the ex-employee's grievance. In this case, there is no right to appeal against the outcome and the process will be deemed to be complete once the response has been provided.

### **4.4 Necessary Delays to Meetings**

Either the employee's companion or the manager hearing the grievance may require a meeting to be delayed by up to five days if they are unavailable to attend. The meeting will be re-arranged to a time suitable to everyone concerned.

## **4.5 Companion**

The person chosen by the employee as his/her "companion" may be either a fellow worker; a full-time official employed by a trade union; a lay trade union official, as long as they are certified as having experience of, or having received training in, acting as a companion at such a hearing. Only where the employee may have a communication disability or where the employee's first language is not English, for reasons of providing equality and fairness at a grievance hearing, may an appropriate translator from outside the Organisation act as a companion.

Appendix II may be provided to a companion in order to assist in explaining their role at a grievance hearing.

The Organisation reserves the right to refuse to accept an individual as a companion in the event that there is a conflict of interest or unwarranted expense incurred.

In all cases of personal grievances raised by a trade union representative, the companion will be the appropriate official of the relevant trade union.

## **5. RESPONSIBILITY**

Responsibilities are clearly defined within the Foreword.

**APPENDIX I**

**GRIEVANCE REPORT FORM**

**Part I - to be completed by the employee raising the Grievance.**

Employee Name: _____ Staff No: _____
Department: _____ Location: _____
Job Title: _____
Name of manager to whom grievance raised: _____
Name of preferred companion(work colleague or Union Representative): _____
Stage of Formal Grievance Procedure being invoked: _____
Date(s) of previous Stage (if applicable) _____
Details/Nature of Grievance(please use separate sheets if necessary)
Signed (Employee): _____
Print Name: _____
Date: _____

## APPENDIX I (Contd.)

**Part 2 - to be completed by the manager to whom the grievance is raised.**

Manager's Name: _____ Job Title: _____
Date of receiving grievance: _____ Date of meeting/hearing: _____ Persons Present: _____
Details and Outcome of Grievance (please use separate sheets if necessary)
Is the Grievance resolved to the employee's satisfaction: YES/NO If no – the employee must be informed of their right to progress the grievance to the next Stage of the Grievance Procedure. Signed (Manager): _____ Signed (Employee): _____ Print Name: _____ Print Name: _____ Date: _____ Date: _____

**PLEASE RETAIN THIS FORM ON THE EMPLOYEE'S FILE AND ALSO GIVE A COPY TO THE EMPLOYEE RAISING THE GRIEVANCE**

### THE ROLE OF THE COMPANION AT DISCIPLINARY AND GRIEVANCE HEARINGS

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This document is to help you if you have been asked to act as a companion at a disciplinary or grievance hearing. It sets out what you can and cannot do and what your overall role is.

#### **Do I have a duty to accept a request to act as a companion?**

No, you do not have to accept a request to accompany a colleague at one of these hearings. No pressure should be placed on you to attend and you do not have to give a reason for your decision not to attend. You should think carefully before accepting any request to act as a companion as it is an important role and must be taken seriously.

However, do not be put off from acting as a companion through any fear of the perception the Organisation may have of you as a result of your acceptance of this role. Acceptance or refusal of any request will not reflect personally on you.

#### **What is my role as a companion?**

Your main role as a companion is to support the worker whom you are accompanying. You cannot ask and answer questions on behalf of the worker. You can, however, ask questions to increase your knowledge and understanding of the issues being discussed and you are allowed to ask to leave the room and confer with the worker. You may also ask to address the hearing if you so wish, to present the worker's case, sum up and respond on behalf of the worker to any view expressed at the hearing.

#### **Do I have to have legal knowledge and expertise?**

You do not have to know the law but you should be familiar with the facts of the particular case. You should get together with you colleague before the hearing to discuss the issues being considered at the hearing so that you are fully informed.

#### **Will I get paid for the time off?**

Companions can attend meetings during working hours without loss of pay. You will be given the time not only to attend the hearing, but also reasonable time to familiarise yourself with the case and to confer with the worker before and after the hearing. If you choose to accept the request to act as a companion you are entitled to ask for a reasonable amount of paid time off in order to complete these duties.