

## **POLICIES, PROCEDURES & GUIDELINES**

### **HR29 – GRIEVANCE**

#### **1. POLICY**

- 1.1 Together is committed to maintaining the wellbeing and happiness of all of its employees while at work. We all have a duty and responsibility to treat each other with respect and dignity at all times and bear in mind how our words or actions can impact on our colleagues and service users.
- 1.2 Grievances are concerns, problems or complaints that employees raise. We recognise that there can be times when people have complaints and concerns about their employment or their colleagues or managers. This procedure has been developed to help employees, who have complaints, raise their concerns and assist them in reaching a resolution.
- 1.3 Together encourages open and honest communication between employees and managers to ensure that concerns can be aired and resolved as quickly and informally as possible.
- 1.4 No aspect of the grievance will be made known to any third party, or anyone not directly involved in the complaint or the investigation process without the consent of the person who raised the grievance. Raising a grievance will not prejudice the aggrieved employee's current employment or future career prospects. Some grievances may be of a sensitive or controversial nature and therefore a balance must be drawn between the need to preserve this confidentiality and the need for informed discussion on the issues raised.
- 1.5 Wherever possible, complaints should be dealt with at a local level and through an informal resolution. If you have any concerns, you should discuss these with your line manager as soon as you become concerned.
- 1.6 No one should feel unable to raise concerns and should access help from a colleague, a representative of a Trade Union or the JNCC in order to make their concerns known and help resolve the matter.
- 1.7 Grievances will be dealt with as quickly and transparently as possible. It is Together's intention to complete investigations within eight weeks of the issue being raised. The complexity of investigations may not always make

this possible and on occasions may take longer. The Investigating Officer will ensure that the person who has raised the grievance is kept informed at all stages of the progress of the investigation.

- 1.8 Where a grievance is raised about a volunteer or member, the stages of this procedure shall be followed during the investigation.

## **2. INFORMAL RESOLUTION**

- 2.1 Anyone who has a complaint or concern about his or her employment is urged to raise it informally in the first instance by speaking to their manager or supervisor about their concerns. Wherever possible, this should be done within one month of the incident occurring.
- 2.2 If your complaint is about your supervisor or manager, then you should speak to a senior manager. Once the manager is aware of the details of your complaint he or she should take every opportunity to resolve the grievance informally and as quickly as possible.
- 2.3 You will be kept informed of the steps that are being taken to address the grievance. You should receive a written response to your concerns within one week of your making it known.
- 2.4 An informal resolution can include mediation or an informal meeting, depending on the nature of the grievance. It involves the appointment of a third-party (e.g. a manager who is unaware of the issue), who will discuss the issues raised in your grievance with all those involved and seek to facilitate a resolution. HR will seek agreement with the party making the complaint to make details of the grievance available to the person against whom it has been made. This approach will only be used where all parties involved are willing to partake. Appointment of the third party will be the sole responsibility of HR.
- 2.5 If the matter cannot be resolved to your satisfaction through this process, then you can consider invoking the formal process.

## **3. FORMAL RESOLUTION**

- 3.5 To invoke this part of the process, you must put the details of your grievance in writing and send to the appropriate person as stipulated in Appendix E to this policy. In your letter you should give as much detail as possible about your complaint. You should also give details of what resolution you feel would be acceptable to you.

- 3.6 Once you have submitted your letter, a suitable Investigating Officer will be identified and you will be invited to meet him or her along with a companion, if you choose to have one.
- 3.7 Together reserves the right to refuse to accept a companion whose presence would undermine the grievance process. At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf; however, the hearing and any appeal hearing are essentially meetings between the employer and you, therefore any questions put directly to you should be answered by you and not your companion.
- 3.8 Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you propose an alternative time within five working days of the scheduled date.
- 3.9 If you are unable to attend the meeting due to circumstances beyond your control, you should inform the Investigating Officer and HR as soon as possible; if you fail to attend without explanation, or if it appears you have not made sufficient attempts to attend, the meeting may take place in your absence.
- 3.10 At the meeting, your complaint can be discussed in full and you can provide further and better information to the Investigating Officer. You should bring copies of any documents you wish to be considered along with your complaint. The Investigating Officer may intervene if he or she thinks the discussion is straying from the key issue(s); he or she may also intervene to ensure that the meeting is completed within a reasonable timeframe, depending on the nature and complexity of the grievance.
- 3.11 Following the meeting, the investigating officer will write to you within seven days detailing their findings from the initial meeting and what further investigation they will need to undertake in order to reach a conclusion on your grievance.
- 3.12 If the grievance cannot be resolved fully at this point, you will be given instructions on what further investigation will be taken and an estimation of when the investigation will be completed.

- 3.13 Once all aspects of the investigation have been completed, the Investigating Officer will write to you and detail their findings and offer you the right to appeal against their findings.

## 4. APPEAL

- 4.1 If you are unhappy with the outcome of the formal process then you can appeal by writing to the appropriate person as stipulated in Appendix E to this policy within seven days of receipt of the outcome letter. In the letter, you must detail why you do not agree with the findings and/or outcome of the initial investigation. In particular, you should identify if or where you do not believe the investigation was conducted correctly, or if relevant evidence was not considered.
- 4.2 At this stage, your grievance will be considered by a manager more senior to the investigating officer. You will be invited to attend a meeting with your companion or representative where you will be given the opportunity to explain fully why you do not agree with the outcome of the initial investigation or the process followed (i.e. any **new** information can be heard, but not a re-hearing).
- 4.3 At this stage, the deciding manager will have access to all the papers and statement taken in the early investigations and may also ask other witnesses to attend the meeting.
- 4.4 You will be provided with a written response within 10 days of the meeting.
- 4.5 This stage is the final stage in the internal process.

## 5. TIME LIMITS

- 5.1 Regardless of whether a grievance is informal or formal you should endeavour to raise your grievance within one month of the incident occurring, or of the most recent occurrence. Incidents that are older than three months will not be considered unless there are serious mitigating reasons why the grievance has not been raised sooner.

## 6. OTHER POINTS

- 6.1 If a grievance investigation shows that a breach has occurred that warrants a disciplinary investigation, then evidence gathered in the grievance investigation can be used in any subsequent disciplinary investigation.
- 6.2 Where a grievance is raised during a disciplinary investigation, Human Resources will use their discretion to decide whether the disciplinary investigation should be suspended pending the outcome of the grievance, or whether both processes can run concurrently. Insofar as a grievance has any bearing on the disciplinary proceedings, it can also be raised as a relevant issue in the course of those proceedings. Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.
- 6.3 Even though most grievances are raised as a result of genuine concerns, we reserve the right to return to the originator any grievance that is excessively personal and/or insulting towards other members of staff. Furthermore, employees who make malicious allegations that are found to be unproved (e.g. a vexatious claim) through a grievance investigation may be the subject of disciplinary proceedings.
- 6.4 Full copies of records made and collated during an investigation should be sent to the Human Resources Department when an investigation is completed.

### Subjects of Grievances

- 6.5 Staff who are the subjects of grievances should understand that the organisation is under a duty to take all complaints seriously and to investigate them fully and fairly.
- 6.6 Staff will always be given a full opportunity to provide their version of events. Where the formal procedure has been invoked, the Investigating Officer will invite the subject of the grievance to a properly convened investigatory meeting, to which they may be accompanied by a companion. They will be provided with copies of any relevant documentation in advance

of the meeting so that they are aware of the issues, have time to prepare and are able to respond fully.

- 6.7 No judgement on the validity of the grievance will be made until the matter has been fully and impartially investigated; nor will a decision be taken as to what, if any, action is necessary. Upon completion of the investigation, the Investigating Officer will inform the subject of the grievance of the outcome, i.e. whether or not the grievance (or any aspect thereof) has been upheld. The subject will only receive a copy of the findings (from the initial hearing and any subsequent appeal) in the event of further action (e.g. disciplinary) being deemed necessary.
- 6.8 If the subject of a grievance has any questions or requires support, be it one off or ongoing, he or she is encouraged to speak to his or her line manager, a representative of the JNCC and/or the HR Department. Together also has an employee assistance programme (Lifestyle Action) that can be contacted 24 hours a day.
- 6.9 For a guide to the timescales involved, staff should refer to appendix A. This will enable both the aggrieved party and the subject of the grievance to understand how long the process is likely to last.

## **7. DATA PROTECTION**

- 7.1 Together will process all personal data collected during the informal and formal grievance procedure in accordance with its Data Protection Policy. All data will be held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.
- 7.2 Inappropriate access or disclosure of employee data will constitute a data breach and should be reported in accordance with Together's Data Protection Policy immediately. It may also constitute a disciplinary offence, in which case the Disciplinary Procedures of Together will apply.

## **8. RELIEF & SESSIONAL WORKERS**

- 8.1 There is management guidance on the procedure for Relief and Sessional Workers (see Appendix C). A Recording Form can be found in Appendix D.

Appendices

Number	Title
A	Timeline
B	Complaint Form
C	Management Guidance on Procedure for Relief & Sessional Workers
D	Recording Form for Relief & Sessional Workers
E	Grievance Resolution Investigating Levels