

Culture&

Grievance Procedure

Policy Statement

Culture& recognises that all employees should be treated fairly and with respect. If you feel you have been treated unfairly you should discuss this with your line-manager who will attempt to resolve the issue informally.

If informal attempts to resolve the matter do not work, it may be appropriate for you to raise a formal grievance under this procedure.

The purpose of this grievance procedure is to provide a formal mechanism to address such issues and bring about a satisfactory resolution in a fair and prompt manner.

A grievance may be brought by either a single individual or a group of people.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only after the disciplinary process has been completed. Where the grievance and disciplinary cases are related it may be necessary to deal with both concurrently.

If you are unsure of how to proceed, advice can be sought from your line manager or from an organisation like ACAS.

There are certain issues that will not be considered under the grievance procedure:

- Any complaints that are trivial – for example: 's/he never says 'good morning' to me'
- Cases that are vexatious – for example a member of staff raises a grievance with their employer every few weeks. Each grievance is regarded as a relatively minor complaint that the employer has already provided a reasonable resolution to. It is clear that the employee is raising numerous grievances to inconvenience the employer.
- Cases that should be addressed by the disciplinary procedure
- Complaints relating to regarding / promotions (these may be dealt with under the appeals procedure)
- This does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry.

Submission of Written Grievance

The member of staff must set out in writing the nature of their grievance, clearly stating the basis of their complaint. The grievance should then be submitted to your line-manager. If the grievance concerns your line-manager, CEO or member of the Board then the grievance should be submitted to someone else who will allocate the hearing of the grievance to an external investigator.

Invitation to Grievance Hearing

Once the written grievance has been submitted, the manager to whom it is addressed must acknowledge in writing within 3 days receipt of the grievance and state that they are dealing with the grievance under this procedure. Then they should invite the member of staff to a grievance hearing in order to discuss the issues raised in the grievance.

The letter (see sample letter 1) should state the date, time and location of the meeting and the composition of the panel who will hear the case. This letter should make clear that the member of staff has the right to be accompanied by a fellow worker, a trade union representative or an official employed by the trade union.

Procedure

The hearing should take place as soon as is reasonably possible, within 15 working days after the grievance has been received. If the hearing cannot take place within 15 working days, the member of staff that has raised the grievance should be given an explanation for the delay in writing with a new date for the hearing. For the purposes of this procedure, a working day equates to Monday – Friday and excludes public holidays and any statutory closure days.

The manager receiving the grievance may find it necessary to conduct an investigation before the grievance hearing and this may affect the date of the hearing.

The Complainant

Whether the grievance is an individual or group grievance, all parties will be provided with relevant paperwork from the employer 3 days prior to the hearing. All parties should provide to the manager who is handling the grievance any paperwork they wish to rely on within 5 days of the hearing.

If the grievance concerns another member of staff, they will be invited to the hearing to discuss the issues raised in the grievance. It may be appropriate in some cases to meet with both parties separately to discuss the complaint.

All parties are entitled to be accompanied to the grievance hearing by a fellow employee, trade union representative or an official employed by the union. The accompanying person is not entitled to answer questions on behalf of the member of staff they are accompanying. The manager handling the grievance should be notified of the name, address, job role and any special requirements of the accompanying person at least two working days before the hearing.

The member of staff who has had the grievance brought against them has the right to submit a written submission prior to the hearing. This submission will be circulated to the panel and all parties involved. The written submission must be received by the manager handling the grievance at least 5 working days before the hearing.

If necessary, both parties can call witnesses to provide evidence. Names of witnesses and any special requirements must be provided to the manager handling the grievance at least 5 working days before the hearing. It is up to the member of staff calling the witness that they are informed of the date, time and location of the hearing. Names of all witnesses will be made available to all parties.

Both parties should take all reasonable steps to attend the hearing. If for any genuine reason (i.e. illness) either party or their accompanying person cannot attend, an alternative date for the hearing will be arranged. This should be within five working days of the original hearing date.

Where a member of staff fails to attend a re-arranged meeting without a good reason a decision will be taken in their absence based on the evidence provided.

Panel

The panel will normally consist of the complaint's appropriate line-manager, another senior member of staff who has had no involvement with the grievance and a representative from the Board of Trustees.

Decision

Following the meeting the panel must decide on what action, if any, to take. Decisions must be communicated to the member of staff in writing, and where appropriate set out what action the Culture& intends to take to resolve the grievance. This should happen without unreasonable delay and within 5 days. The member of staff should be made aware at this stage that if they are unhappy with the outcome they can appeal. It is at this point in the procedure where a grievance may be referred to the disciplinary procedure by the panel.

Appeals Procedure

Where an employee feels that their grievance has not been satisfactorily resolved they can appeal the decision. The appeal should be made to the CEO within 10 working days of the written decision being received by the employee. The appeal should set out the reasons why the member of staff is not satisfied with the decision taken by the panel. The member of staff will then be invited to a meeting in order that the appeal can be discussed.

The appeal should be heard without delay (normally within 10 working days) and should be dealt with impartiality by managers and trustees who have not previously been involved in the case and have no conflict of interest. The panel members will be provided with all the material presented at the original hearing.

Staff have the statutory right to be accompanied in the appeal hearing by a fellow worker, trade union representative. Your line manager or other person managing the appeal should be notified within 5 working days of the appeal hearing of the name, address, job role and any special requirements of the accompanying person, along with any witnesses they wish to call to the appeal hearing. It is up to the complainant to inform witnesses and anyone accompanying them of the date, time and venue for the appeal hearing.

Appeal Decision

The outcome of the appeal should be communicated to the employee in writing without unreasonable delay and within 5 working days.

The decision taken by the appeal panel will be final.

Sample Letter 1 – Invitation to Grievance Hearing

Name

Address

Contact Tel No

Email

Date

Strictly Personal and Confidential

Dear [Name]

Grievance Hearing

I am writing to request you attend a grievance hearing in accordance with [Name of employer] grievance procedure (copy enclosed).

The hearing will take place on [day, date] at [time] in [venue].

Depending on the evidence provided at the hearing, the outcome could be that the grievance is referred to the disciplinary procedure.

The hearing will give you an opportunity to set out the details of your complaint [write what the complaint is] as outlined in the enclosed paperwork. [Include copy of written grievance letter].

The grievance panel will comprise of [name], who will chair the meeting along with [insert other names].

[Name of HR representative] will also be in attendance, therefore if you have any queries about the hearing please contact them at least 2 working days prior to the hearing.

You are entitled to be accompanied to the hearing by a fellow employee, a Trade Union Representative.

You may provide written evidence to support your case. This should be submitted to the manager handling the grievance at least 5 working days prior to the hearing, together with the name, address and job title of the person accompanying you and if relevant the names of any witnesses you wish to call. Please ensure that you inform any witnesses the date, time and venue of the hearing.

We will provide you with all the paperwork and information that will be made available to the panel members within 3 days of the hearing.

I would be grateful if you would contact me by [date] to confirm your attendance.

Yours sincerely

[Name]

Sample Letter 2 – Outcome of Grievance Hearing

Name / Address

Contact Tel No

Email

Date

Strictly Personal and Confidential

Dear [Name]

Outcome of Grievance Hearing

Further to grievance hearing conducted on [date, time of hearing], I write to confirm the decision of grievance panel.

After looking at the evidence provided the panel's decision was [state decision and recommendations].

Or

After looking at the evidence provided the panel took the decision that this is a matter that should be referred to the Disciplinary Procedure.

You have the right to appeal against the decision of the grievance panel by lodging a written appeal with Human Recourses by [date]. Full details of the appeals procedure are contained within the Grievance Procedure (copy enclosed).

If you have any queries do not hesitate to contact me.

Yours sincerely

[Name]