



GRIEVANCE POLICY

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The Society recognises that it is good employment relations practice to have a grievance procedure available to all workers. This aim of this procedure to ensure that issues are resolved as quickly and effectively as possible and, wherever appropriate, in the first instance, to resolve the problems through dialogue on an informal basis.

Anyone working within the Society may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to raise and have addressed. The Society wishes grievances to be addressed, and if possible, resolved and recognises that in addition to being a requirement of good practice and current employment legislation it is considered to be an implied term of the employment contract as part of the duty of trust and confidence between employer and worker.

Scope of Procedure

The Grievance Procedure applies to all employees of the Society who are in full or part-time employment, on permanent, fixed term or temporary contracts of employment. The procedure is liable to change from time to time following consultation with the recognised trade unions.

What Constitutes a Grievance?

Grievances are official grievances by workers to their employer. Some of the issues that might give rise to a grievance, include:

- terms and conditions of employment (Benefits Level 5 and above)
- health and safety
- relationships at work
- bullying and harassment*
- new working practices
- working environment
- organisational change
- equal opportunities

*(*Note: Issues to do with unfair treatment e.g. bullying and harassment or any form of discrimination may initially be handled under a separate procedure. Please refer to the Society's Procedure on Harassment. Where the informal steps have not been successful or are inappropriate, the employee should use this Grievance Procedure. An employee can however bring a grievance relating to unfair treatment under this grievance procedure whether or not any separate procedure has been initiated)*

It is not appropriate for certain issues to be raised under the grievance procedure and as such the following areas are excluded from consideration under this procedure:

- any matter that is trivial and could be resolved informally
- any matter that should be raised as an appeal through the Disciplinary or Capability and Performance Procedures. If, however, the employee has a complaint against the behaviour of a manager during the course of a disciplinary or capability case, then they may raise that as a grievance.

The Grievance Procedures

The Society intends that a three step Grievance Procedure will apply in all cases where the employee who has the grievance is still in the Society's employment. It will also apply in all cases where the employee is no longer in the Society's employment unless:

- at any point it becomes not reasonably practicable for one or other party to follow the procedure; or
- the parties agree in writing that the modified procedure should be followed

The Society will strive to deal with all such grievances quickly, fairly and sensitively.

Three Step Grievance Procedure

Informal Discussion

The Grievance Procedure is intended to encourage and maintain good employee relations and provide a mechanism whereby formal grievances can be raised and addressed.

It is important, therefore, that concerns or potential grievances are dealt with as early as possible. If any member of staff has a grievance they should discuss it informally with their immediate supervisor in the first instance. Employees may choose to raise their informal grievance verbally or in writing. Supervisors may be able to address the issue directly or mediate between individuals to come to a solution. If the issue remains unresolved then the member of staff must raise a formal grievance by following the steps outlined below.

Step 1 – Statement of Grievance

Grievances must be set out in writing, clearly stating the basis of the grievance, and addressed to the appropriate person as follows:

- the immediate line manager

the Regional Business Manager / Head of Department if the grievance concerns the immediate supervisor/manager In cases of alleged bullying, harassment or discrimination the written statement should, wherever possible, detail the following points:

- the name(s) of the alleged harasser
- the nature of the harassment
- dates and times when harassment occurred
- name(s) of any witnesses to any incident(s) of harassment
- any action already initiated which was intended to stop the harassment

Step 2 - Meeting

If it is accepted that the grievance is not otherwise excluded as indicated in the section entitled "What Constitutes a Grievance", the manager to whom the grievance is addressed must contact the appropriate People & Performance Consultant.

The employee would be invited, in writing, to attend a meeting to discuss the grievance as soon as reasonably practicable and normally within 10 working days of the date of receipt of the written grievance. The employee must take all reasonable steps to attend the meeting to discuss the grievance.

The employee will have the right to be accompanied at this meeting by either a work colleague or a trade union official. The companion has the right to address the hearing and may ask questions but he/she may not answer questions on the employee's behalf.

If the employee's companion cannot attend on a proposed date, the employee can offer an alternative time and date so long as it is reasonable and normally not more than 5 working days after the original date. If the dates offered are not possible for the manager, for good and genuine reasons, the manager will ultimately determine a date and time, having regard to all circumstances, normally no more than 10 days after the original date.

Where a grievance has been raised against an individual, that individual should be provided with details of the grievance and be interviewed accordingly.

Potential Outcomes from the Hearing

Once the manager is satisfied that he/she has come to a satisfactory conclusion he/she must then decide whether to:

- Uphold the grievance
- Partially uphold the grievance
- Not uphold the grievance

Where the grievance is upheld or partially upheld consideration should be given to any potential remedy or solution. This may be a recommendation for training, development or counselling for one or more individuals involved in the case. In some cases where the grievance is upheld, for example in the case of bullying and harassment, this may result in a recommendation that disciplinary proceedings be initiated immediately under the Society's Disciplinary Procedure.

Communicating the Decision

Following the meeting, the manager would normally inform the employee in writing and should clearly state the outcome and notify the employee of the right of appeal against the decision if he/she is not satisfied with the response. This response should normally be received by the employee no later than 10 working days following the date of the meeting. Where this is likely to extend beyond 10 working days from the meeting, the manager would inform the employee of the delay, the reasons for the delay and the expected date for the decision.

If the grievance is against the actions and/or decisions of another member of staff, the outcome must also be communicated, in the same way, to that individual.

Step 3 - Appeal

If the employee is not satisfied with the outcome of the grievance meeting they have the right to appeal to a more senior manager. The employee must request an appeal hearing in writing normally within 10 working days of the date of issue of the decision from the first meeting. The appeal should be addressed to the next most appropriate manager who will be detailed in the outcome letter.

The manager to whom the appeal is addressed must invite the employee to attend a meeting to discuss the appeal normally within 10 working days of the date of receipt of the written request to appeal against the decision taken at Step 2.

The employee will have the right to be accompanied at this meeting by either a work colleague or a trade union official.

After the meeting to hear the appeal, the manager should inform the employee of his/her decision in response to the grievance in writing normally within 10 working days following the date of the meeting. Where this is likely to extend beyond 10 working days from the appeal meeting, the manager would inform the employee of the delay, the reasons for the delay and the expected date for the decision.

On completion of Step 3, the right of appeal under the Grievance Procedure will have been exercised and the decision of the manager who heard the appeal is final.

Collective Grievance

Where an identical grievance is raised on behalf of two or more employees, to help facilitate a fair and practical way of dealing with the collective concern, and all individuals agree, this can be addressed as one grievance hearing. If you and your colleagues are members of USDAW, your USDAW representative can raise the grievance on your behalf. Alternatively, you can agree for one of you to represent the collective group. Each individual's name should be listed on the grievance form or letter and we would notify the outcome of each stage to each individual.

Whilst we would always look to follow our normal time frames, due to the number of people involved, it may be necessary to extend the timeframes, and we will always attempt to agree these with you.

Modified Two Step Grievance Procedure

This modified procedure may apply after the employee has left the Society's employment

Step 1 – Statement of Grievance

The employee must set out his/her grievance in writing, clearly stating the basis for it. This written grievance must then be sent to the appropriate line manager following the same model as that in Step 1 of the standard procedure (see Step 1 - Statement of Grievance).

Step 2 - Response

The Society must set out the response in writing and send it to the employee. This will normally be issued within 15 working days of receipt of the grievance statement. If the response is likely to go beyond 15 working days, the manager will write to the employee to inform of the reasons for the delay and the expected date of response.

Grievances Raised During a Disciplinary Hearing

Sometimes an employee may raise a grievance related to the case during the course of a disciplinary hearing. Where this happens and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee, will however, have to raise the grievance in accordance with this procedure.

Depending on the nature of the grievance, the Society may need to consider bringing in another manager to continue to hear the disciplinary case.

Records

Records should be kept detailing the nature of the grievance, the response given, any action taken and the reasons for it. Normally the Society representative will take a comprehensive note of the grievance hearing and a copy will be given to the individual and the manager concerned. In certain circumstances some information may be withheld, for example anonymising statements to protect a witness. Where anonymous statements are used, they must be in writing, available to all parties and give details of time/place/date as appropriate.

Records should be kept of all meetings detailing:

- the nature of the grievance raised
- a note of the meeting held to hear the grievance
- the response
- any action taken and the reasons for this
- whether there was an appeal
- a note of the appeal meeting
- the outcome of the appeal meeting