

ORGANISATIONAL EMPLOYEE POLICIES

GRIEVANCE POLICY AND PROCEDURES

This policy and procedure does not form part of the employment contract.

Introduction

The organisation believes that all employees should be treated fairly and with respect. If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your line manager, who will attempt to resolve the situation on an informal basis. If you feel unable to approach your line manager directly, or where your grievance concerns your line manager, you should approach your designated contact in the PDV Team, who will discuss ways of dealing with the matter with you.

The aim is to facilitate a resolution as near as possible to the point of origin, with the intention of resolving disputes by direct contact with line managers where possible.

Where attempts to resolve the matter informally do not work or are inappropriate, you may wish to raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which you have been treated by the organisation, managers acting on its behalf or work colleagues.

Should there be a potential conflict of interest at any stage in the process, the organisation will consider the appointment of a suitable external consultant to assist.

All those involved in the process are required to maintain the appropriate levels of confidentiality in respect of both information and/or individuals concerned.

If your complaint relates to bullying or harassment by a colleague, the matter should be dealt with under the bullying and harassment procedure.

Complaints that amount to an allegation of misconduct by another employee will be investigated and dealt with under the disciplinary procedure and, where appropriate, you will be informed of the outcome.

Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been treated or managed. Grievances should be of genuine substance, however, issues that are the subject of consultation with the Staff Forum will not be considered under the grievance procedure.

Complaints that you may have about any disciplinary action taken against you should be dealt with as part of the disciplinary process, or alternatively, as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

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Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a mediator who may be external to the organisation, and who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

The right to be accompanied

You have the right to be accompanied by a fellow worker or trade union official at any grievance meeting or subsequent appeal. The trade union official need not be an employee of the organisation, but if he/she is not a fellow worker or an employee of his/her union, the organisation may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

The choice of companion is a matter for you, but the organisation reserves the right to refuse to accept a companion whose presence would undermine the grievance process. Please note that individual workers are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, ask questions, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the employer and you, so any questions put directly to you should be dealt with by you and not your companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date.

Accessibility

If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with your designated PDV contact, who will make appropriate arrangements.

Conducting the grievance procedure

As previously indicated the organisation recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The organisation will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

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Formal grievance procedure

Making the complaint

The first stage of the grievance procedure is for you to put your complaint in writing.

This written statement will form the basis of any investigation and the subsequent hearing, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your complaint should be headed "Formal grievance" and sent to your line manager, copy to your designated PDV Officer. If your complaint relates to the way in which your line manager is treating you, the complaint may be sent just to your designated PDV Officer

At this stage further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you. If any evidence is gathered in the course of these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

The grievance hearing

The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, usually within five working days of the receipt of your written complaint. It will normally be conducted by your line manager and attended by a PDV representative. If your grievance relates to your line manager the hearing will be conducted by a suitable alternative manager appointed by the organisation.

At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

Following the meeting, you will be informed in writing of the outcome usually within five working days and told of any action that the organisation proposes to take as a result of your complaint. You may discuss this outcome informally with either your manager or designated PDV Officer.

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Appeal

If you are dissatisfied with the outcome, you may make a formal appeal.

Your appeal should be made in writing to the manager who conducted the initial grievance hearing with a copy to your designated PDV Officer. You should clearly state the grounds of your appeal, ie the basis on which you say that the result of the grievance was wrong, that the action taken as a result was inappropriate and/or the process and procedures followed as part of the original meeting are contested.

This should be done within five working days of the written notification of the outcome of the grievance. An appeal meeting will usually be arranged to take place within fourteen days of the submission of your formal appeal.

Format of Appeal Meeting

The appeal meeting should be conducted in a similar manner to that of the original meeting, but will only consider the actual grounds for the appeal and/or any new evidence.

During the meeting the aggrieved employee will put forward the reason for the appeal and any supporting evidence. All other parties will be given the opportunity to respond and the chair of the meeting may ask questions. All parties will be required to attend and in the event that an individual refuses to attend without good reason the issue may be dealt with in their absence.

A member of the PDV team will act as an independent advisor to the appeal meeting and will be responsible for ensuring that a formal written record is taken. This will be an alternative member of the PDV team to the one who attended the initial hearing.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

The appeal hearing will be conducted by your head of department or by another senior manager, who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate. The manager who hears the appeal will not have been involved with the initial investigation or hearing.

The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

Where the appeal brings forward new evidence the other party will be allowed an appropriate period of time to respond to this new evidence and the appeal meeting will be held normally within fourteen days following receipt of that response.

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Following the appeal meeting, you will be informed of the outcome usually within five working days. The outcome of this meeting will be final.

Miscellaneous

This procedure will be reviewed on a regular basis. Any amendment to it will be notified to employees in writing by the organisation's Head of People Development and such written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the organisation's intranet or via use of notice boards.