

05.03 GRIEVANCE PROCEDURE – All Employees.

1. PURPOSE AND SCOPE

Bield Housing and Care recognises that in any organisation employees may have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed.

There are processes in place for all employees where concerns or queries can be raised for discussion these include support and supervision for development-based employees and one to one meetings for office-based employees.

Employees are encouraged to raise issues at an early stage so that queries, concerns or problems can be resolved easily whilst they are relatively minor and the potential for the passing of time to add complexity is avoided. Many day to day queries or problems are best dealt with in this way as the line manager will have hands-on understanding of the issues involved.

It is the shared view of management and employee representatives that a commitment to a problem-solving approach by both parties is the basis for resolving issues before they become formal grievances.

Managers will listen to employees concerns or queries and consider the issue and provide a clear explanation or reasons for a decision. If a manager needs to gather further information or seek guidance before responding they will advise the employee of this and indicate when s/he and the employee will discuss again.

Employees are asked to be aware that managers will have other work commitments and that a longer time-scale for resolution than they would have desired does not indicate a lack of concern providing that the time-scale is reasonable in the circumstances.

Where the normal communication processes do not resolve an employee's problem or concern, the Grievance Procedure is intended to provide a mechanism for genuine grievances to be dealt with promptly and fairly. Where an employee raises a concern or issue, the resolution sought must be reasonable and within the power of the Bield to grant. The outcome will be based on a balanced consideration of the facts and at times may differ from that hoped for by the employee.

Some grievances may be of a sensitive nature require special treatment; employees are advised to refer also to the *Dignity at Work Policy* and *Procedure for Complaints of Bullying, Harassment or Victimisation*.

2. DEFINITION OF GRIEVANCE

Grievances are concerns, problems or complaints that employees raise with their employers about an issue relating to their conditions of service, work or working conditions.

The procedures exclude:

- Any matter previously dealt with through the disciplinary procedure. Appeals against disciplinary decisions must be taken up separately under the Bield's disciplinary appeals procedure.
- Complaints of harassment or bullying which are dealt with in accordance with the *Procedure for Complaints of Bullying, Harassment or Victimisation*.
- Complaints concerning grading under the job evaluation system which are dealt with under the job evaluation procedures.

If a grievance is raised during a disciplinary process this does not mean that the disciplinary process will automatically be temporarily halted; the appropriate way to proceed will be considered i.e. whether to deal with the disciplinary and grievance concurrently if they are related.

3. INFORMAL PROCEDURE

Instances of complaint or dissatisfaction relating to an employee's employment can often be resolved by informal discussion with the line manager and employees should speak initially to their line manager about any issues giving cause for concern. As an alternative the employee may wish to consult with the appropriate staff representative or senior member of the Department of Human Resources either of whom would attempt to resolve the grievance with the line manager. Where such informal discussion fails to resolve a grievance the employee may wish to implement the formal grievance procedure.

4. FORMAL PROCEDURE

Where the grievance cannot be resolved informally the employee can raise a grievance under the Formal Procedure.

Senior staff in the Department of Human Resources are available to assist and advise both managers and staff on the procedure. At a formal meeting where an employee needs special arrangements for reasons of disability or for communication purposes this can be arranged in conjunction with Human Resources.

STAGE 1

Submitting a Formal Grievance

Employees should detail their grievance in writing to their immediate line manager by completing the form contained at appendix 1. The line manager may explore with the employee whether or not informal resolution has been attempted and/or whether it is appropriate to pursue informal resolution. Where the grievance is against the line manager the matter should be raised with their line manager's manager.

Acknowledgement of Grievance and Arrangements for Grievance Hearing

On receipt of a grievance the manager should contact the Human Resources Manager who will advise of which member of the Department of Human Resources will provide guidance on how to deal with the grievance.

The manager will normally explore whether efforts have been made to resolve the matter informally and if they have not explore whether or not informal resolution remains appropriate.

The manager should normally respond to the written grievance within five working days to arrange the meeting. Meetings to discuss the grievance should normally be held within five working days of the date of the letter of notification of arrangements.

There is a standard letter template for inviting the employee to attend a meeting in order to explain the grievance more fully and to discuss how the grievance might be resolved. The letter includes the details of arrangements for the meeting and an explanation of the right to be accompanied to this meeting.

Grievance Hearing

At the meeting the employee should be allowed to explain their grievance and say how they think it should be settled. If the manager reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned to get further information, guidance or make further investigation.

Grievance Response and Resolution

Following this meeting the manager should send a written response to the grievance in writing normally within 10 working days of the meeting.

Depending on the nature of the grievance a further meeting(s) may be required to ensure effective communication or to implement the actions identified to resolve the grievance.

STAGE 2 – FINAL INTERNAL STAGE

Submitting an Appeal

If the employee is dissatisfied with the outcome of the stage 1 grievance hearing i.e. the matter is not resolved the employee can appeal against the decision regarding the grievance.

The grounds of appeal should be set out in writing – on the form contained in appendix 2 - within 10 working days of receiving a response to their grievance at the previous stage(s). The grounds of appeal means a statement of why s/he thinks the decision was unfair or wrong.

Acknowledging the Appeal and Arrangements for Appeal Hearing

On receipt of an appeal the manager should contact the Human Resources Manager who will advise of which member of the Department of Human Resources will provide guidance on how to deal with the appeal.

The manager should normally respond to the written appeal within five working days to arrange the meeting. Meetings to discuss the grievance should normally be held within five working days of the date of this letter of notification.

There is a standard letter template for inviting the employee to attend a meeting in order to explain the appeal more fully and to discuss how the appeal might be resolved. The letter includes the details of arrangements for the meeting and an explanation of the right to be accompanied to this meeting.

Appeal Hearing

The appeal will normally be heard by a more senior manager than the one who heard the stage 1 grievance.

At the meeting the employee should be allowed to explain their appeal and say how they think their appeal should be settled. If the manager reaches a point in the meeting where they are not sure how to deal with the appeal or feel that further investigation is necessary the meeting should be adjourned to get further information, guidance or make further investigation.

Time and effort will be taken to ensure that the appeal gives the employee opportunity to be heard and issues will be considered particularly seriously and sensitively because this is the final internal right of appeal.

Response to the Appeal

Following this meeting the manager should send a written response to the grievance in writing normally within 10 working days of the meeting.

Depending on the nature of the appeal a further meeting(s) may be required to ensure effective communication or to implement the actions identified to resolve the grievance.

The decision taken at this stage of the grievance will be the final internal stage. This means that the matter is closed whether or not the employee accepts the outcome.

5. TIME LIMITS

Working days are defined for the purposes of these procedures as being Monday to Friday excluding fixed public holidays.

It is recognised that in many situations the time limits may require to be extended due to the nature of the grievance and/or because the employee and the manager addressing the grievance may be geographically separated or absent from work. Management reserve the right to extend the time limits in such situations and will not do so unreasonably.

6. RIGHT TO BE ACCOMPANIED AT FORMAL GRIEVANCE HEARING OR APPEAL HEARING.

An employee has the right to be accompanied by any of the following individuals: Bield Staff Representative, Bield Work Colleague, Trade Union Representative. The person accompanying the employee can provide moral support or a more active role in proceedings. The manager is entitled to expect the employee – and not his or her companion – to answer any questions asked.

It is not permitted for an employee to be accompanied at a grievance hearing by a colleague who may have a conflict of interest or whose presence may prejudice the case. Nor would it be viewed as reasonable for an employee to be accompanied by a colleague from a geographically remote location when an appropriate person is available at their place of work or a location which is close by.

If the availability of the preferred companion would lead to an unreasonable delay, Bield can ask the employee to seek an alternative companion.

7. RECORDS

A record will be kept of: the grievance raised; hearings held to resolve the grievance (including informal meetings); any investigation carried out; the written response; any specific follow up actions taken and the reasons for these; any appeal hearings; and the final outcome. These records will be kept confidentially in the employee's personnel file/in filing specific to grievances and retained for as long as necessary to ensure that the grievance has been completely resolved.

8. COLLECTIVE GRIEVANCE PROCEDURE

A collective grievance is defined as a grievance which affects more than one individual employee. As in the individual grievance procedure, the collective grievance procedure has a number of stages.

Informal Stage

A group of employees who have complaint or dissatisfaction relating to their employment can often resolve this by informal discussion with their line manager who may also need to consult with their own manager or the HR Manager if the matter relates to terms & conditions. Employees are encouraged to speak initially to their line manager about any issues giving cause for concern.

As an alternative the employees may wish to consult with an appropriate staff representative or HR Officer or more senior member of the Department of Human Resources for further information and guidance. If informal attempts to resolve a potential grievance are not successful the employees may wish to implement the formal grievance procedure.

Stage 1

An issue affecting a number of staff within one service area should be raised in writing initially by a member of the group and staff representative within the area concerned with the appropriate line manager. The manager should respond to the written grievance within five working days and a meeting to discuss the initial grievance should normally be held within five working days of receipt of this letter. Any subsequent meetings will be arranged without undue delay.

Stage 2

If the issue cannot be resolved at Stage 1 it should be referred in writing to the next tier of management. A meeting to discuss the issue should normally be held within five working days. Subsequent meetings will be arranged without undue delay.

On rare occasions, consideration may be given to whether it would be appropriate to involve a third party to find a solution to an intractable problem after all stages of the grievance procedure have been exhausted. Either Bield as the employer or the Chair of the staff representatives' group may voluntarily seek third party intervention, for example through the Government's Advisory Conciliation and Arbitration Service (ACAS).

9. TIME LIMITS

The time limits for the arrangement of meetings are outlined above. It is recognised that due to the nature of the grievance and/or because of the geographical spread of development-based staff within Bield these time limits may be varied with the agreement of both parties.

10. RECORDS

Records should be kept detailing the nature of grievances raised, Bield's response and any action taken and the reasons for it. These records will be treated as confidential and retained in accordance with the Data Protection legislation. Copies of any meeting records will be given to the employee(s) concerned.

Grievance Form

Appendix 1

You should try to resolve your grievance by speaking to your line manager, staff representative or HR Officer/Manager. If this does not improve matters and you wish to raise a formal grievance you should complete this form. Your grievance will be heard at a formal hearing where you may be accompanied by a staff representative, work colleague or trade union representative.

To be completed by employees who have a grievance:

TO: _____
(Line Manager or Line Manager's Line Manager if the grievance is about your immediate line manager.)

FROM: _____
(Name and Job Title of aggrieved employee)

Who did you raise the issues grievance with informally? _____

When did you raise the issues ? _____

What was the outcome? _____

Provide a full description of your grievance, providing this detail will help create a shared understanding of your concerns. Please include:

1. The issue(s), acts or lack of action which have occurred (what happened, when, and if relevant the names of people whose actions you are aggrieved about and any witnesses to events).
2. The effect that the issues(s) have had on you, i.e. what are your concerns?
3. The reasons why the informal procedure was unsatisfactory or unsuitable.

Please continue overleaf if required

How do you believe that your grievance can be resolved? I.e. what do you want to change or happen?
(Remember that the outcome of your grievance will result from discussion between you and those hearing your grievance and the actual remedy may not be exactly what you propose.)

Please continue overleaf if required

I confirm that the above details are true and understand that, in order to respond to my grievance, the details in this form may be shared with those I have named within it.

Signed: _____ Date: _____

