

# Grievance Policy

## General

The purpose of this document is to outline the principles and procedures to be followed by staff in respect of grievances and inter-personal conflict. Conciliation Resources' policies on poor performance and disciplinary procedures are dealt with in other documents.

This procedure has been developed in accordance with the ACAS Code of Practice "Disciplinary and Grievance procedures 2009", and the relevant legislation. It applies to all Conciliation Resources staff and forms part of Conciliation Resources' contract of employment.

Subject to the agreement of all parties involved in the grievance, the procedure may be suspended at any stage for mediation, fact-finding, or alternative non-adversarial discussions with the aim of promoting a more speedy resolution of the grievance.

The latest version of this procedure will be held on the hub. Members of staff are reminded that they can seek support internally through the HR Team (HR Manager) and the Chief Operating Officer) or through the Employee Assistance Programme.

## 2. Principles

As a general rule and the most desirable option, a staff member who feels aggrieved by the language, attitude, action (or lack of action) of another staff member should raise the matter directly with that person as soon as possible. Where a member of staff feels that their concerns have not been addressed adequately through this route, they should submit a formal grievance in accordance with the procedure outlined in this document.

Confidentiality and privacy should be maintained at all times during the grievance process. This applies to all documentation and meetings.

As a conflict resolution organisation, Conciliation Resources should draw on its considerable skills and experience to creatively and constructively resolve all in-house conflicts.

## 3. Responsibilities and rights

Members of staff

Members of staff are responsible for:

- (i) Conducting themselves with dignity, honesty, and integrity to promote an atmosphere of mutual respect, in accordance with Conciliation Resources' values.
- (ii) Resolving their differences promptly and amicably.
- (iii) Raising their problems and concerns in a constructive spirit. As a general rule, a staff member who feels aggrieved by the conduct of a colleague should raise the matter directly with that person.
- (iv) Attempting to resolve any concerns about aspects of their employment at the earliest opportunity, in a constructive and informal way, through regular discussion with their immediate manager.

- (v) Providing managers with as much detail as possible about the issue of concern, and giving them a reasonable opportunity to consider it.
- (vi) Taking all reasonable steps to attend any meetings associated with the grievance.

Members of staff have a right to:

- (i) Seek guidance and advice from a trade union official or an HR professional prior to attending a grievance hearing.
- (ii) Explain their grievances and have them addressed in a fair and constructive manner.
- (iii) Not be treated less favourably than other members of staff as a result of raising a grievance.
- (iv) Be represented at all meetings held in accordance with this procedure.

References to the member of staff in the procedure apply to the member of staff or their representative.

**Managers**

Although this document emphasises the importance of staff raising concerns directly with each other, it is also important to avoid undermining the authority of managers.

Managers are responsible for:

- (i) Behaving with integrity and fairness; and to refrain from abusing their authority when dealing with staff members who occupy less senior positions in the organisation.
- (ii) Providing staff with regular opportunities to raise any issues of concern relating to their work.
- (ii) Resolving staff grievances at the earliest opportunity and in a constructive and reasonable way.
- (iv) Seeking professional advice if necessary before taking action under the grievance procedure.
- (v) Ensuring that their actions are lawful and do not expose Conciliation Resources to legal liability, either by ill-advised action or negligence.

Managers have a right to:

- (i) Request more detailed information about a grievance in order to seek to resolve it.

**Chief Operating Officer**

Chief Operating Officer is responsible for:

- (i) Organising occasional training and advising managers on all aspects of the grievance procedure and appropriate dispute resolution skills.
- (ii) Keeping a formal record that is a detailed and accurate summary of the proceedings, of any meetings held under the grievance procedure.
- (iii) Advising members of staff on the grievance procedure.
- (iv) Monitoring the use of the grievance procedure across Conciliation Resources.
- (v) Ensuring that the grievance procedure is applied consistently throughout Conciliation Resources.

## 4. Right to be accompanied

At all stages of this procedure, a member of staff may be accompanied by a person of their choice (such as a fellow worker or trade union representative). The chosen companion will be allowed to address the hearing in order to put the member of staff's case, sum up the member of staff's case, and respond on behalf of the member of staff to any view expressed at the hearing. The companion does not have a right to answer questions on behalf of the member of staff.

Members of staff are requested to give notice of the name and relevant details of any companion to the Chief Operating Officer at least five working days prior to a meeting under the procedure, so that relevant details can be forwarded to this individual. Where such notice is not given, it is the member of staff's responsibility to notify their representative of the arrangements for the meeting, and to ensure that they have all of the relevant paperwork.

Dates for the meeting can be changed by mutual agreement as long as it remains within 10 days of the original date.

Where a grievance relates to another member of staff, this individual will have the same right to be accompanied as the aggrieved member of staff.

## **5. Time limits**

Every effort should be made to adhere to the time limits prescribed in the procedure so that grievances can be dealt with as promptly as possible. This may not always be possible due to work commitments, leave, or sickness, etc. The parties may on occasion and by mutual agreement modify the time limits specified in this procedure.

For the purpose of this procedure, a working day will mean any day between Monday and Friday (inclusive) irrespective of the member of staff's working pattern, but excluding public and bank holidays. The five working days will commence from the day following receipt of the written notification of the grievance, or following the written confirmation of a decision at each stage.

If the member of staff fails to comply with a time limit the procedure will cease and the grievance will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the member of staff.

## **6. Written records**

Immediate line managers and the Chief Operating Officer should keep written records of meetings and discussions relating to the grievance. These should be written during or as soon after the event as possible to ensure the accuracy of the record. Written records should be signed and dated by all parties.

Employees may also wish to keep records of events to support their case.

All records relating to grievances should be kept on the individuals' personal files. No duplicate record should be kept by Conciliation Resources. All records will be retained in accordance with the Data Protection Act 1998.

## **7. Exclusions**

The procedure cannot normally be used to resolve the following:

- (i) Matters relating to statutory deductions from pay which should be referred to the Line Manager in the first instance, to be followed up with the Finance Manager. If the issue cannot be resolved through this route, the Finance Manager will advise the individual on the courses of action available to them.

- (ii) Appeals against job evaluation outcomes, which should be dealt with under the job evaluation appeals procedure (See the Appeal mechanism in the Remuneration Policy).
- (iii) Appeals about being subject to the capability procedure, which should be dealt with under the Capability Procedure.
- (iv) Appeals against disciplinary action being taken against an individual, which should be dealt with under the Disciplinary Procedure.

#### Grievances raised during disciplinary proceedings

If a member of staff raises a grievance about the behaviour of a manager during the course of a disciplinary case, Conciliation Resources will consider suspending the disciplinary process for a short period while the grievance is dealt with.

#### Grievances raised after the employment relationship has ended

- (i) Wherever possible a grievance should be dealt with under the above procedure before a member of staff leaves Conciliation Resources. In situations where an individual has ceased working for Conciliation Resources and raises a grievance, or where the grievance procedure has been invoked but not completed, an alternative procedure (see below) will apply.
- (ii) Under the alternative procedure, the individual should write to their line manager setting out the details of the grievance as soon as possible after leaving. The line manager will investigate the grievance with the relevant manager and reply in writing to the individual. There is no face-to-face meeting between the parties.

## 8. Statutory changes and review

These procedures will be reviewed in consultation with staff in response to relevant statutory changes, changes in Conciliation Resources procedures or structures, or as a result of a felt need. A review will be undertaken after the procedures have been in operation for one year, and thereafter every three years as with other Conciliation Resources policies and procedures.

## 9. The procedure Use of a facilitator

In any situation of inter-personal conflict, the disputant parties are free to request the assistance of an independent facilitator.

Where one of the disputant parties proposes independent facilitation, the other party is obliged to respond favourably to this proposal. Although the parties cannot be compelled to engage in mediation, they are expected to support the facilitator's efforts to promote understanding, dialogue and reconciliation.

The parties in dispute should first seek to identify a mutually acceptable staff member to act as the facilitator. If they are unable to reach consensus, they may seek a facilitator from outside Conciliation Resources. The costs of an outside facilitator will be borne by Conciliation Resources and must be approved by the Executive Director/Chair of the Board or the Chief Operating Officer prior to the appointment of the facilitator.

## Disputes involving the Executive Director

If the grievance is against the line manager including the Executive Director, the matter should be raised with that person's line manager. In the case of the Executive Director that would be the Chair of the Board.

## Disputes relating to conditions of employment

Decisions regarding salaries, benefits and other conditions of employment are the prerogative of the Executive Director, in consultation with the Chief Operating Officer and the relevant manager; in accordance with Conciliation Resources' policies; and, where necessary, subject to the approval of the Board.

If a staff member is dissatisfied with, or wishes to change their terms of employment, they should raise the matter with their line manager who in turn should raise the matter with the Chief Operating Officer. The Chief Operating Officer should make a recommendation to the Executive Director.

If the problem is of a general policy nature, it should be referred to the Chief Operating Officer for discussion at the Executive Management Committee.

## **Staff forum**

Where a staff member(s) has concerns that affect many staff or are of a general policy nature, as distinct from inter-personal disputes, they may request that the matter be addressed by the Executive Management Committee.

Staff who raise concerns in the staff forum in order to gauge a general consensus should do so in a constructive fashion. They should propose solutions to the problem at hand; and they should endeavour to ascertain and verify the facts before raising the matter.

## **Serious misconduct**

Allegations of serious misconduct constitute an exception to the general rule of talking directly to the offending party. (Serious misconduct includes racial or sexual harassment, physical abuse and theft or fraud).

Where a staff member believes that a colleague is guilty of serious misconduct, they should raise the matter directly and immediately with the Chief Operating Officer or their absence the Executive Director. The Chief Operating Officer or in their absence the Executive Director will ascertain the views of the relevant manager(s) and the person accused of serious misconduct. Subject to the rules of fair process, the Chief Operating Officer or in their absence the Executive Director may initiate a disciplinary process.

Where the allegations are against the Executive Director the staff member should contact the Chair of the Trustees.

Where the grievance cannot be resolved informally it should be dealt with under the following formal procedure.

## **Informal Procedure**

Most routine complaints and grievances are best resolved informally in discussion with the member of staff in the first instance or their immediate line manager. Dealing with grievances in this way can often lead to speedy resolution of problems and can help maintain the authority of the immediate line manager who may well be able to resolve the matter directly. Both the manager and member of staff may find it helpful to keep a note of such an informal meeting.

## **Formal Procedure Stage 1**

1. Where the grievance has not been resolved under the informal preliminary stage, which is outlined above, the member of staff should submit the grievance in writing to their immediate line manager. Where the grievance is against the line manager the matter should be raised with the Executive Management Committee Director responsible for that department. It is advisable for a copy to be retained by both the member of staff and, if

applicable, their representative. The line manager should send a copy to the Chief Operating Officer if not already involved.

2. The line manager should, as soon as possible and within five working days arrange a meeting of the affected parties and, if desired by either side, with a representative. The member of staff should be informed of their statutory right to be accompanied. The purpose of the meeting will be to discuss the grievance. The line manager may wish to take advice and can reserve the right to convene a follow-up meeting.

3. The line manager should respond in writing to the grievance within five working days of the meeting or, where no meeting has taken place, within five working days of receiving written notice of the grievance, acknowledging the grievance and outlining the appropriate action to be followed. If it is not possible to respond within this time period the member of staff should be given an explanation for the delay and told when a response can be expected. A copy of the letter should be sent to all parties concerned.

## Appeals

1. If the member of staff feels that the matter is not adequately resolved at Stage 1 they have the right to appeal (in writing) to the Chief Operating Officer or if the Chief Operating Officer heard the first grievance, the Executive Director, within 10 working days of receipt of the letter confirming the decision of the person hearing the grievance.

2. The Chief Operating Officer or Executive Director should arrange to hear the grievance within 10 working days and should inform the member of staff of their statutory right to be accompanied. Conciliation Resources retains the right to establish a panel to hear the grievance, which may include persons independent of Conciliation Resources.

3. The hearing should be conducted in accordance with the agreed Protocol for Grievance Hearings (see below). Following the hearing the Chief Operating Officer or Executive Director should confirm their decision in writing within 5 working days. If it is not possible to respond within this time period the member of staff should be given an explanation for the delay and told when a response can be expected.

4. The decision of the Chief Operating Officer or Executive Director will be final and this is the concluding stage of the procedure.

5. If the Chief Operating Officer or Executive Director have previously been involved in the proceedings the appeal should be sent directly to the Chair of the Board.

Whilst we encourage following the above procedure to resolve grievances in the workplace, where a person feels it necessary to make a report via alternative means the following may be helpful.

## Anonymous Reporting

If a staff member, volunteer, board member, consultant or guest feels unable to associate themselves with a report, they are encouraged to present relevant information anonymously to the Chief Operating Officer by the following means:

- Via anonymous google form which can be found at <https://goo.gl/forms/BkskeAfcayzzMHSE2>
- Via email from an alternative & anonymous email address
- Via anonymous letter
- Via any other anonymous and confidential means

It is acknowledged that the ability to follow-up on such reports is extremely limited, both legally and practically. Conciliation Resources encourages the use of our informal and formal reporting methods outlined above wherever possible.

## Regulatory Reporting

Some instances of grievances, complaints and or disciplinary procedures or any other incident that involve Serious Misconduct, may need to be reported to the Board of Trustees and various regulatory bodies.

The Chief Operating Officer will work with the Board to ensure that serious incident reporting requirements are complied with, following Charity Commission Guidance (<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>)

## External Reporting

Staff, volunteers, board members and guests should not hesitate to bring incidents to the attention of local authorities when they feel that it is necessary and appropriate. Staff, volunteers, board members and guests must bring incidents to the attention of local authorities when required to do so by law.

Further external reporting may be necessary in some instances. Depending on the incident, the individual/s, the conditions and contractual relations, incidents and complaints may need to be reported to funders and consortium partners. The Chief Operating Officer will evaluate all Grievances and Complaints to determine whether they need to be reported to regulatory authorities. With the assistance of the Director of Programmes, the Chief Operating Officer will evaluate whether such incidents need to be reported to funders.

In all instances, care must be taken to ensure the rights of individuals.

## Early Conciliation

In the event you are intending to lodge a claim at an Employment Tribunal ACAS offer the service of Early Conciliation, you must register your intention to lodge a claim at Employment Tribunal with ACAS in any event unless it meets the criteria needed for an exemption. More information can be found on their website at <http://www.acas.org.uk/index.aspx?articleid=4028>

## Whistleblowing

Whilst Conciliation Resources asks all staff, volunteers, board members and guests to attempt resolution of incidents within the framework provided by the organisation, it is recognised that in some circumstances external awareness may need to be raised outside this framework. Conciliation Resources maintains a Whistleblowing Policy which can be found on The Hub (please see <http://hub.c-r.org/content/policies-and-guidelines>)

Charity employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission. The commission asks that whistleblowing reports are made in writing via the dedicated email address: [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk).

## Protocol for Grievance Hearings Appeals

The procedure below is to be followed at an 'Appeal Hearing' held as part of the Grievance Procedure for staff employed by Conciliation Resources.

1. The Chief Operating Officer will arrange a suitable date for the hearing, which is convenient for all affected parties.
2. Copies of all documents to be referred to at any hearing, and lists of all witnesses to be called, will be submitted to the Chief Operating Officer, and to the other party, no later than 10 working days before the date arranged for the hearing. The Chief Operating Officer will send copies of the documents and lists of witnesses to the members of the Panel as appropriate.
3. At the hearing the Complainant, or their representative, will outline the grievance in the presence of the Respondent, and will have the right to call witnesses. The Respondent, or their representative will have the opportunity to ask questions of the Complainant, their representative, or any witnesses called.
4. The Respondent, or their representative will respond to the grievance in the presence of the Complainant and their representative, and will have the right to call witnesses. The Complainant, or their representative, will have the opportunity to ask questions of the Respondent, their representative or any witnesses called.
5. The panel may ask questions at any time of either party to the grievance, their representatives or any witnesses called.
6. The Complainant, or their representative, and the Respondent, or their representative, will have the opportunity to sum up their case, if they so wish.
7. Following summing up, both parties to the grievance, together with their representatives and any witnesses called will withdraw. The Panel will deliberate in private, only recalling the Complainant and Respondent, and their representatives, to clarify points of uncertainty in evidence already given. If such recall is necessary, both parties to the grievance will return to the hearing, even if only one party is concerned with the points raised.
8. The panel will announce its decision, with reasons, to both parties, personally, followed by informing them in writing, within five working days.
9. The decision of the Chairperson as to which matters are of relevance to the proceedings will be final.

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## Grievance and Conflict Resolution Procedure

### Informal Procedure

Member of Staff feels there is a grievance

Informal methods of resolving grievance are successful in which case the process ends and can be monitored or the methods fail

### Formal Procedure Stage 1

Member of staff submits grievance in writing to Line Manager

5 days

Meeting between member of staff and Line Manager

5 days

Line Manager informs member of staff in writing of the outcome

10 days

### Formal Procedure Stage 2

Member of staff not satisfied and appeals in writing to the Chief Operating Officer, Executive Director or Chair of the Board (whoever is not involved in earlier stage)

10 days

Appeal hearing held

5 days

Decision is final and confirmed in writing