

Adopted: 25<sup>th</sup> April 2017

## **GRIEVANCE PROCEDURE**

### **1.0 PURPOSE**

- 1.1 Anybody working in an organisation may at some time have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management.
- 1.2 This procedure must be followed to take further action when detailed informal discussion (and follow up where appropriate) has failed to resolve a grievance.
- 1.3 This procedure applies to all employees and volunteers of AUKCAP and is the mechanism to raise official complaints with the charity.
- 1.4 All employees have the legal right to have grievances addressed by AUKCAP. The legal requirement is to follow three key steps: (1) put it in writing (2) meet and discuss (3) appeal. This procedure explains in more detail how grievances will be followed up for both staff and volunteers.

### **2.0 PRINCIPLES**

- 2.1 AUKCAP expects great efforts will have been made to resolve grievances at an informal level before using this procedure. Employees and volunteers should aim to settle most grievances informally with their line manager. This has advantages for all parties, particularly where there might be a close personal relationship between a manager and an employee. It also encourages problems to be settled quickly.
- 2.2 If a grievance cannot be settled informally this procedure aims to ensure that any grievance is settled fairly, consistently and speedily, and as near to the point of origin as possible.
- 2.3 Any employee or volunteer approached by a colleague to accompany them on any grievance matter should be confident that AUKCAP welcomes their involvement and contribution.
- 2.4 AUKCAP will ensure there is no unreasonable delay in following this procedure.

### **3.0 RAISING A GRIEVANCE**

- 3.1 Employees and volunteers should normally raise a grievance with their line manager. However, if the complaint is against the line manager they can approach a more senior manager or the Chief Executive.
- 3.2 For managers who report directly to the Chief Executive and whose complaint is against the Chief Executive the matter must be referred to the Chair of the Trustees. In such cases at least two Trustees must not have any involvement in the initial proceedings but should remain impartial pending any later appeal.
- 3.3 A grievance must normally be raised within 21 working days of the incident to which it refers, unless there is a good reason for not doing so.
- 3.4 Managers will deal with all formal grievances raised, even if the grievance is not presented in writing.

### **4.0 GRIEVANCE MEETINGS**

- 4.1 These meetings are not the same as a disciplinary hearing. A grievance meeting is where discussion and dialogue may produce a constructive outcome with, if appropriate, a shared action plan.
- 4.2 On receiving a written explanation of the grievance, the appropriate manager will invite the employee or volunteer to a meeting as soon as possible, usually within five working days. They will be advised about their right to be accompanied (by a work colleague of their choice, an advisor or a representative of the Trade Union to which they may belong).
- 4.3 The meeting will not take place unless the employee or volunteer has informed AUKCAP about the grievance and AUKCAP has had a reasonable time to consider the response to that information.
- 4.4 A time and place for the meeting will be agreed with the employee/volunteer. If their representative cannot attend on a proposed date, they can suggest another date. This date must suit everybody involved. The new date must not be more than five days after the date originally proposed by AUKCAP.
- 4.5 The employee or volunteer will be allowed to explain their complaint and say how they think it should be settled. They may call witnesses to support their claim. Witnesses may be questioned by those conducting the interview.
- 4.6 Both the complainant and their representative have the right to speak at the meeting.
- 4.7 After the presentation of the grievance, the manager conducting the interview may put questions in order to clarify any outstanding issues. The manager hearing the grievance will then set out their response. If the manager reaches a point where they are not sure how to deal with the grievance, the meeting may be adjourned in order to obtain advice.
- 4.8 If either party has reasonable grounds for thinking that they are at serious risk of violence or intimidating behaviour, the full grievance procedure does not have to be followed. This exemption to the grievance procedure will only apply if the manager hearing the grievance or the individual believes that they will come to some serious physical or mental harm, that their property or some third party is threatened or that the other party has subjected them to harassment.  
In this situation, a request can be made to have the grievance heard by an appeals panel.
- 4.9 AUKCAP will respond in writing to the individual's grievance within a reasonable time, usually within five working days. The letter will include a summary of the key points discussed and an action plan. When areas of dispute remain, the letter will identify any outstanding points where agreement was not reached. The notification will also include a reminder of the right to and how to appeal as outlined at section 5.0 below. A review meeting may be necessary at a future appropriate date, to confirm if the actions agreed have been satisfactorily undertaken.

## **5.0 APPEALS**

- 5.1 If an employee or volunteer says they are unhappy with the decision after a grievance hearing, this must be confirmed in writing to their line manager or the Chief Executive except as in 5.2 below.
- 5.2 If the employee is a Manager who reports to the Chief Executive and whose grievance has been heard by a Trustee an appeal will be made in writing to another, named, trustee.
- 5.3 The appeal should normally take place within 5 working days of the request. AUKCAP will arrange an appeal panel consisting of the Chairman of the Board plus two Trustees who have not been previously involved with the grievance.
- 5.4 At the same time as inviting the individual to attend the appeal, AUKCAP will remind them of their right to be accompanied/represented at the appeal hearing.
- 5.5 As with the first hearing, AUKCAP will write to the employee or volunteer with a decision on their grievance as soon as possible. They will also be informed that the appeal hearing is the final stage of the grievance procedure.

## **6.0 KEEPING RECORDS**

6.1 Records will be kept detailing:

- ◆ the nature of the grievance raised;
- ◆ AUKCAPs response;
- ◆ action taken;
- ◆ reasons for action taken; and
- ◆ whether there was an appeal and, if so, the outcome.

6.2 Records will be treated as confidential and kept in accordance with the Data Protection Acts 1998 and 2003, which gives individuals the right to request and have access to certain data.

6.3 Copies of meeting records will be given to the employee or volunteer, although in certain circumstances (for example to protect a witness) AUKCAP might withhold some information.

## **7.0 FURTHER INFORMATION**

7.1 ACAS has a confidential information line and offers help from experienced advisers. Phone 0300 123 1100. There is also information on their website [www.acas.org.uk](http://www.acas.org.uk).

## **8.0 IMPLEMENTATION AND REVIEW**

8.1 All employees and volunteers will either receive a copy of this procedure or be advised how to obtain a copy on their appointment. The procedure will also be referred to in AUKCAPs terms of employment.

8.2 This procedure will be reviewed within 36 months of adoption.