

St Elizabeth's Centre
GRIEVANCE POLICY AND PROCEDURE

Applies to grievances raised on or after 1 November 2013

1.0 Introduction

- 1.1 St Elizabeth's 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, you should approach the HR Advisor who will discuss ways of dealing with the matter with you.
- 1.2 Where attempts to resolve the matter informally do not work, it may be appropriate for you 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 or managers acting on its behalf. (If your complaint relates to bullying or harassment on the part of a colleague, please refer to the bullying and harassment procedure). Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure and you will be informed of the outcome.
- 1.3 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 managed. However, issues that are the subject of consultation with the Information and Consultation Group will not be considered under the grievance procedure.
- 1.4 Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.
- 1.5 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.
- 1.6 St Elizabeth's reserves the right to handle any complaint or grievance as a potential disciplinary issue and to deal with it under its disciplinary policy and procedure without recourse to the grievance policy and procedure.
- 1.7 Whilst the grievance procedure is being followed, usual working arrangements will normally be maintained. However, as part of its duty of care, there may be occasions where the organisation may subject to the requirements of the service temporarily transfer one or both parties
- 1.8 In a potential case of gross misconduct or where it may be necessary for a fair and thorough investigation to take place, and/or to protect the employee or someone else, the person(s) concerned may need to be placed on precautionary paid suspension pending the investigation, the grievance hearing and, if appropriate any resulting disciplinary hearing.
- 1.9 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 third-party mediator, 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.

2.0 The right to be accompanied

2.1 You have the right to be accompanied by a fellow worker or trade union official at any grievance meeting or subsequent appeal, but not at the initial investigative meeting. The choice of companion is a matter for you. Please note that individual workers are not obliged to accompany you. Companions will be given appropriate time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

2.2 At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, 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.

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

3.0 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 the HR Advisor, who will make appropriate arrangements.

4.0 Conducting the grievance procedure

The organisation recognises that a formal grievance procedure can be a difficult 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.

5.0 Formal grievance procedure

5.1 Making the complaint

The first stage of the grievance procedure is for you to put your complaint in writing. The written statement will form the basis of the subsequent hearing and any investigations, 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. If your complaint relates to the way in which your line manager is treating you, the complaint should be sent to the HR Advisor.

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, although the confidentiality of the grievance will be respected. 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.

5.2 **The grievance hearing**

The hearing will be held as is reasonably practicable and, subject to any need to carry out prior investigations, within ten working days of the receipt of your written complaint. It will be conducted by your line manager or, if the grievance relates to your line manager, another manager and attended by an HR representative. 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 the manager hearing the grievance 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.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focussing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The manager conducting the hearing will intervene if she/he thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

Following the meeting, you will be informed in writing of the outcome within ten working days and told of any action that the organisation proposes to take as a result of your complaint. It may be necessary in some cases to extend the time in which an outcome is made; in such an event the organisation will inform you of the delay and a likely response date in writing prior to the ten working days deadline. You may discuss this outcome informally with the HR Advisor.

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

5.3 **Appeal**

Your appeal should be made in writing to the Director of HR and Staff Development (or other CMT member if so nominated). You should clearly state the grounds of your appeal, ie the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within ten working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within ten working days of the submission of your formal appeal or as soon as reasonably practicable.

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 the manager hearing the appeal 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 a CMT member 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 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.

The result will be notified to you in writing within ten working days or longer by mutual agreement. The outcome will be final.

6.0 Additional support

Any staff member is able to access free confidential external counselling upon request to the HR Advisor or Director of HR & Staff Development. Details of the free confidential external counselling are available on the intranet.