INDIVIDUAL GRIEVANCE PROCEDURE

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1. PURPOSE

To enable employees to seek redress for any individual grievance and to comply with the ACAS Code of Practice on grievance hearings.

This policy is not intended to be used for grievances relating to a decision made in any other Company procedure such as Disciplinary, Attendance at Work, Capability, Performance Development Reviews and Harassment: the appeals procedure contained within these policies must be utilised in such cases.

2. SCOPE

All established and temporary employees who work under a contract of employment with the Company.

3. POLICY STATEMENT

The Company places responsibility upon all employees and managers to develop a constructive working relationship where:

- employees are to be treated first and foremost as people with individual needs and expectations; and

- any individual's concerns, problems or complaints may be dealt with openly, promptly, fairly and frankly.

Where a concern, problem or complaint is considered to be of a sufficiently serious nature to be termed as a grievance, the grievance procedure provides a framework for dealing promptly and fairly with the matter.

Any grievance must be settled as quickly as is reasonably practicable and as near to its source as possible.

4. PROCEDURE

The following procedure is designed to achieve the objectives referred to above in an effective and efficient manner. It should not be used until either the normal work place communications have been shown to be ineffective or unless the concern, problem or complaint is inappropriate to be dealt with through the normal communication channels.

A grievance should normally be raised within three months of the issue having arisen or the incident having taken place.

Where an issue is raised via the Grievance Procedure the manager investigating the grievance may, at any time during the investigation, decide that it is more appropriate to use the Company's Harassment Procedure.

4.1 Stage One - Informal

Any employee who has a personal grievance should first of all raise the issue informally with their immediate manager, either verbally or in writing. The manager should then arrange to meet with the employee to discuss the grievance as soon as is reasonably practicable.

The joint aims of the meeting should be to:

- ensure that the employee is given a full opportunity to explain their grievance; and
- seek a means of resolving the grievance to the employee's satisfaction if this is possible, taking into account company policies, procedures, rules and the need for consistency and fairness.

Every effort should be made by both the manager and the employee to work together to resolve the issue amicably and speedily. Where appropriate the manager may consult with the APM to assist in resolving the issue informally.

Despite the fact that the discussion is informal, the manager should keep a record of the meeting. The record should show the date and time of the meeting, state briefly what was discussed and the outcome. A copy should be given to the employee for their retention and another retained on the employee's personal file.

Where the grievance concerns the employee's immediate manager/supervisor it may be more appropriate to refer to the Company's Harassment Procedure. Employees may contact the Area Personnel Manager for advice on use of either the Grievance or Harassment procedures.

Any manager/supervisor involved in trying to resolve a grievance informally will not chair the hearing at stage 2 should the grievance progress to the formal stages.

4.2 Stage Two - Formal

If the employee feels that the issue raised has not been resolved satisfactorily at the informal stage or feel that it is inappropriate to raise the grievance informally they may refer the matter to Stage Two. This must be made in writing either by completing the form attached at Appendix I or a letter containing the same information, which clearly indicates that the formal grievance procedure is being utilised. The form or letter should include specific details as to the reason for the grievance and of the individual's desired outcome. If appropriate, documentary evidence can be attached to the form or letter.

Where the grievance concerns the employee's immediate manager or they were involved in trying to resolve the grievance informally, they may submit the grievance to the manager/director to whom the individual's immediate manager reports or to the Area Personnel Manager.

On receipt of a formal grievance the manager will:

- Inform the Area Personnel Manager who will provide support and advice throughout the grievance process and may decide to attend any subsequent meetings.

- send the individual a written acknowledgement of receipt of the grievance (appendix II) and arrange a meeting with the individual as soon as is reasonably practicable, within fourteen calendar days of the notification of the grievance. Where necessary further meetings will be arranged within mutually agreed timescales to allow adequate time for investigations to be carried out.

The employee has the right to be accompanied to the meeting as detailed in Section 4.6. The manager hearing the grievance may be accompanied at the meeting by a notetaker.

Written notes summarising the content of the meeting will be produced. A copy of the notes should be given to the individual for their retention. Where the individual chooses not to be accompanied this will be recorded within these notes.

The manager should respond in writing to the individual confirming the outcome of the grievance and, where appropriate, set out what action(s) should be taken to resolve the grievance within seven calendar days of the date of the final meeting (Appendix I). If this is not possible the employee should be told when they can expect a response and the reason for the delay explained.

In cases where the grievance has involved other individuals it may be appropriate to also inform them of the outcome and any action recommended to resolve the grievance.

Once this stage of the grievance procedure is completed the manager should retain all documentation connected to the grievance until the timescale for which the employee may appeal has lapsed. If no appeal is received the manager will forward all the paperwork to the local manager to be kept confidentially on the individual's personal file. Managers must not hold further copies of such documentation locally, in accordance with the Data Protection Policy.

4.3 Stage 3 - Appeal

If the individual is not satisfied with the progress made or disagrees with the decision that was made at Stage Two of the procedure, or cannot accept the proposed period before action is to be taken, they may appeal against the decision. This should be made in writing, within seven calendar days of receipt of the written outcome of the grievance, to the manager who heard the grievance at stage two, clearly stating the grounds for the appeal. The manager will forward the appeal, together with all the relevant paperwork to a senior manager of a higher grade to hear the appeal.

In the event that the employee reports to a Director, and Stage Two was therefore handled by the Director, then the appeal will be referred to another Director within the Company.

The Senior Manager/Director will:

- Inform the Area Personnel Manager or the HR Services Manager of the appeal who will provide support and advice throughout the appeal and may decide to attend any subsequent meetings.

- Send the individual a written acknowledgement of receipt of the grievance (appendix II) and will normally arrange a meeting within fourteen calendar days of receipt of the appeal or as soon as practicable thereafter. Where necessary further meetings will be arranged within mutually agreed timescales to allow adequate time for investigations to be carried out.

The Senior Manager/Director should respond in writing to the individual confirming the outcome of the appeal within seven calendar days of the date of the final meeting (Appendix I). If this is not possible the employee should be told when they can expect a response and the reason for the delay explained.

The employee has the right to be accompanied to all meeting as detailed in Section 4.6. The manager hearing the grievance may be accompanied at the meetings by a note taker.

Written notes summarising the content of the meeting(s) will be produced. A copy of the notes should be given to the individual for their retention. Where the individual chooses not to be accompanied this will be recorded within these notes.

The decision of the meeting held at this stage of the procedure is final.

Once this final stage of the grievance procedure is completed the manager will forward all the paperwork to the local manager to be kept confidentially on the individual's personal file. Managers must not hold further copies of such documentation locally, in accordance with the Data Protection Policy.

4.4 Necessary Delays to Meetings

Either the employee's companion/representative or the manager hearing the grievance may require a meeting to be delayed by up to five working days if they are unavailable to attend on the date originally scheduled. The hearing should be re-arranged to a time suitable to everyone concerned.

4.5 Equal Opportunities Monitoring

The form used to raise a grievance in writing (Appendix I) requests that the employee provides certain personal details such as race, gender, age, religion or belief, nationality, sexual orientation and disabled status. This information will be kept confidentially by Human Resources and will be used for no other

purpose than to enable the Company to fulfil its obligations for monitoring equal opportunities. Employees are asked to co-operate in providing this information in the pursuit of equality within the Company.

4.6 Companion/Representative

The person chosen by the employee as their "companion/representative" may be:

- another employee; or
- a full-time official employed by a trade union; or
- a lay trade union official as long as they are certified as having experience of, or having received training in, acting as a companion/representative at such a hearing.

The companion/representative should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion/representative does not however, have the right to answer question on the employee's behalf, address the hearing if the employee does not wish it or prevent the manager from explaining their case.

The Company reserves the right to refuse to accept an individual's choice of colleague where their presence would prejudice the hearing.

Human Resources must be consulted with regard to any queries or concerns over any particular companion/representative.

5. ADVICE AND CONFIDENTIALITY

At any stage of the grievance procedure an employee or manager may seek advice on this procedure from the Human Resources department. When seeking advice the employee should request a confidential discussion and refer to this provision of the Individual Grievance Procedure. The Human Resources representative who conducts the discussion will not become involved in the procedure if the issue is then progressed.

Anything dealt with through the grievance procedure will be kept entirely confidential by those attending the meeting. Where, in order to obtain action or a decision, a manager needs to explain the contents of the grievance to others, the employee will be informed and their permission sought prior to sharing any of the details.

6. DELIBERATELY FALSE OR MALICIOUS ALLEGATIONS

The Company will treat all grievances with the utmost seriousness and will investigate all grievances as detailed above. However, if it is established during the investigation that an employee has deliberately raised a false or malicious accusation against another person then the employee raising the grievance will be the subject of

disciplinary action. The deliberately false defamation of another person's character is equally unacceptable to the Company.

Where a grievance is unfounded this does not necessarily mean that it is a deliberately false or malicious allegation.

7. OUTCOME OF GRIEVANCE LEADS TO DISCIPLINARY ACTION

If, following the grievance investigation, the hearing manager decides that it is appropriate to take disciplinary action against the individual to whom the grievance is directed against, they should raise the appropriate charges and ensure the Discipline Procedure is invoked. The disciplinary hearing will be conducted by a different manager to the grievance hearing manager and will be of the same grade or higher.

8. COLLECTIVE GRIEVANCES

If at any stage while considering a question under this procedure it becomes apparent that the question is one of collective application, it shall no longer be considered under this procedure but shall be referred to the appropriate level of the collective bargaining procedure.

An example of a collective grievance is where grievances are raised on behalf of two or more employees by a representative of a recognised Trade Union.

9. RESPONSIBILITY

All those persons referred to within the scope of this policy are required to adhere to its terms and conditions. Employees must understand that this policy is also incorporated into their contract of employment.

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the Human Resources department prior to any action being taken.

The Human Resources department has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy can only be implemented following consideration and agreement by the Human Resources Director and the Trades Unions and will be notified to all employees prior to implementation in accordance with agreed bargaining procedures.

APPENDIX I GRIEVANCE REPORT FORM

Part I - to be completed by the employee raising the Grievance.

Employee Name: _____Staff No:_____ Department: _____Location:_____ Job Title: _____
Name of manager to whom grievance raised: _____ Name of preferred companion/representative (work colleague or Union Representative):_____ Date Stage Two - Formal Grievance Procedure being invoked:_____
Details/nature of grievance and desired outcome (please use separate sheets if necessary)
Signed (Employee): _____ Print Name: _____ Date: _____

APPENDIX I (Contd.)

The following information is requested to enable the Company to monitor the effectiveness of its Equal Opportunities Policy. This information will be used for no other purpose.

Ethnic Group		Age Profile	
White	☐		
Black-Caribbean	☐		
Black – African	☐	16 - 20	☐
Black - Other	☐	21 - 30	☐
Indian	☐	31 - 40	☐
Pakistani	☐	41 - 50	☐
Bangladeshi	☐	51 - 60	☐
Chinese	☐	61 - 65	☐
Irish	☐	65 plus	☐
Any other ethnic group	☐		

Nationality:		
Gender:	Male ☐	Female ☐
Disabled:	Yes ☐	No ☐
Religion or Belief:		
Sexual Orientation:		

APPENDIX I (Contd.)

Part 2 - to be completed by the manager to whom the grievance is raised.

Manager's Name: _____ Job Title: _____
Date of receiving grievance: _____ Date of meeting/hearing: _____ Persons present: _____
Details and outcome of grievance (please use separate sheets if necessary)
If the grievance is not resolved to the employee's satisfaction they have the right to appeal and progress the grievance to stage 3 of the Grievance Procedure. Signed (Manager): _____ Print Name: _____ Date: _____

PLEASE FORWARD THIS FORM FOR RETENTION ON THE EMPLOYEE'S FILE AND ALSO GIVE A COPY TO THE EMPLOYEE RAISING THE GRIEVANCE

APPENDIX II INVITATION TO ATTEND A GRIEVANCE HEARING

Dear < >,

Grievance Hearing

Further to receiving your Grievance Report Form, I am writing to invite you to attend a grievance hearing, regarding

<**details of grievance** >.

This has been arranged to take place in < **manager's** > office at < **time** > hours on < **date** >.

You may ask a fellow worker or a trade union representative to accompany you to the hearing. I will chair the hearing with a notetaker in attendance.

If you have any queries regarding the above arrangements please contact me immediately.

Yours sincerely,

APPENDIX III THE ROLE OF THE COMPANION/REPRESENTATIVE AT GRIEVANCE HEARINGS

This document is to help you if you have been asked to act as a companion/representative at a grievance hearing. It sets out what you can and cannot do and what your overall role is. If you have any more questions please contact Human Resources.

Do I have a duty to accept a request to act as a companion/representative?

No, you do not have to accept a request to accompany a colleague at one of these hearings. No pressure should be placed on you to attend and you do not have to give a reason for your decision not to attend. You should think carefully before accepting any request to act as a companion/representative as it is an important role and must be taken seriously.

However, do not be put off from acting as a companion/representative through any fear of the perception the Company may have of you as a result of your acceptance of this role. Acceptance or refusal of any request will not reflect personally on you.

What is my role as a companion/representative?

Your main role as a companion/representative is to support the employee whom you are accompanying. You may help put forward the case on behalf of the employee however employees should answer any questions asked by the manager investigating the grievance. You can ask questions to increase your knowledge and understanding of the issues being discussed and you are allowed to ask for a short adjournment to confer with the employee. You may also address the hearing and sum up the case at the end of the hearing if you so wish.

Do I have to have legal knowledge and expertise?

You do not have to know the law but you should be familiar with the facts of the particular case. You should get together with you colleague before the hearing to discuss the issues being considered at the hearing so that you are fully informed. If you want any additional information before the hearing please contact Human Resources.

Will I get paid for the time off?

Companions/representatives can attend meetings during working hours without loss of pay. You will be given the time not only to attend the hearing, but also reasonable time to familiarise yourself with the case and to confer with the employee before and after the hearing. If you choose to accept the request to act as a companion/representative you are entitled to ask for a reasonable amount of paid time off in order to complete these duties. Please refer to Human Resources if you have any queries.