GRIEVANCE

PROCEDURE

Policy Control/Monitoring

Approved by: **(Position in Organisation)** **Date (dd/mm/yyyy):**	Director of Corporate Services 08/10/26
Accountability: **(Position in Organisation)**	Head of HR, Wellbeing and Inclusion
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Brief details of amendments made	Reviewed in line with the Equality Impact Assessment procedure and updated guiding principles.

Equality Impact Assessment

The Foundation's commitment is to create a positive culture of respect for all staff and service users and to identify, remove or minimise risks of unlawful discrimination and disadvantage in its policies, functions and activities. As part of its development this document has been assessed in line with The Foundation's equality impact assessment procedure.

Version Control Tracker

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1. Introduction

The Percy Hedley Foundation is committed to creating and sustaining a working environment where employees are treated with fairness and respect that is free from unlawful discrimination, harassment, sexual harassment, victimisation and bullying.

All employees are responsible for their own behaviour and should treat colleagues with dignity, respect and courtesy and ensure that they are valued for their skills and abilities. No employee will suffer detriment, victimisation or retaliation as a result of raising a grievance in good faith - see the Foundation's Bullying and Harassment Policy.

2. Purpose

The Foundation places great emphasis upon good relationships with its employees. It is recognised that anyone working within the Foundation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues they may wish to talk to a manager about. This procedure has been developed to enable employees, who feel that they have a genuine grievance, the opportunity to raise their grievance and for it to be fairly heard by the Foundation.

Grievances are concerns, problems or complaints that employees raise with their employer in matters affecting themselves as individuals or matters affecting their personal dealings or relationships with other employees and can include such issues as:-

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment, including sexual harassment.
- Allocation of work
- New working practices
- Working environment
- Discrimination

The Procedure aims to resolve problems before they develop into major difficulties for all concerned by providing a means for dealing promptly with any grievance which an employee may have in the course of, and connected with, their employment. It also provides a formal means of communication whilst ensuring that a consistent, transparent and fair approach is adopted at all times.

3. Scope

This procedure will apply to all employees of the Foundation. The procedure cannot be used to challenge formal outcomes from other procedures which have an appeal process, including but not limited to:

- Disciplinary procedure
- Performance Management Policy
- Attendance Management Policy
- Procedure for dismissal on grounds of ill health
- Redundancy procedure
- Procedure for dismissal for some other substantial reason

This procedure is entirely non-contractual and does not form part of an employee's contract of employment. The Foundation may amend it at any time.

4. Responsibilities

The following staff will have specific areas of responsibility:-

Senior Managers are responsible for ensuring that the grievance procedure is implemented fairly and consistently throughout their department and for seeking advice from the HR Department where necessary.

Line Managers are responsible for resolving workplace issues informally as quickly as possible, making reasonable decisions on the basis of the facts presented to them and implementing the procedure consistently and in line with current legislation and best practice.

The Investigating Officer will usually be the line manager of the employee raising the grievance. In certain circumstances it may be more appropriate to appoint a manager from elsewhere in the Foundation to conduct the investigation.

The HR Department is responsible for providing guidance and support to managers on grievance matters and for advising relevant Directors and Managers. No action should be taken by any manager without prior consultation with the HR Department.

Employees are responsible for their own behaviour and actions both during working hours and during any activity associated with their employment. In addition, employees should inform their manager of any issues which could be affecting their employment so that support and guidance can be given.

5. Principles

The procedure takes full account of the recommendations of the ACAS Code of Practice on Disciplinary and Grievance Procedures and also reflects the principles of fairness, transparency and natural justice.

The Foundation believes that in the interest of good employee relations, grievances should be resolved promptly, fairly and at the first line management wherever possible. Whilst recognising the need for a formal process, it is a general principle that grievances are best resolved informally and as close to the point of origin as possible to prevent an escalation into a more serious dispute.

The guiding principles of the procedure are:-

a) Employees are encouraged to resolve grievances informally where possible before taking a formal approach.

b) The Foundation aims to secure equality of opportunity in all its activities, and in this respect, the grievance procedure reflects the Foundation's Equality & Diversity Policy and is free from any discrimination.

c) It is recognised that there may be occasions when it is not possible for a grievance to be resolved informally. In such cases a formal procedure to resolve the matter will be followed. All parties shall be clear whether any meeting is being held under the informal or formal stage of the procedure.

d) Any steps taken under this procedure should be taken promptly unless there is a good reason for delay.

e) At any stage in the procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation, fact finding or other informal discussions with the aim of promoting resolution of the situation.

f) At any stage in the procedure, the manager dealing with the grievance may at their discretion, defer consideration of the grievance if other activities which are relevant to the grievance are pending or in progress. In such situations, those involved in the grievance will be advised of the reason for deferring consideration.

g) Where a grievance is assessed as vexatious, malicious or lacking sufficient grounds, the Foundation may determine that no further formal action is required. The reasons for this decision will be confirmed in writing.

h) Employees who are the subject of this procedure will have the right to be accompanied at any formal meetings held under this procedure.

i) All information relating to the grievance will be kept confidential. Any Information relating to protected characteristics will only be shared where necessary and in accordance with data protection requirements.

j) Whilst every endeavour will be made to comply with timescales, due to the complexity and/or specific circumstances of a case, timescales may be extended. In such circumstances, the individuals concerned will be advised of the reasons for delay.

k) Reasonable adjustments will be made where required for employees with disabilities and consideration will be given to any other circumstances that may create barriers to participation. Information will be provided in accessible formats where reasonably practicable.

l) Managers involved in grievance investigations and hearings will act in accordance with the Equality Act 2010 and the Foundation's Equality, Diversity and Inclusion policies.

m) Where a grievance is raised by two or more employees concerning the same issue, the Foundation may deal with the matter collectively where appropriate.

6. Mediation

Mediation is considered to be a useful means of resolving difficulties in the workplace, particularly where interpersonal relationships are involved. Mediation can be proposed by a manager or an Investigating Officer as a way of addressing a grievance. It is voluntary and will only take place if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach. Where mediation is agreed, managers will facilitate time for employees to attend for mediation.

The grievance procedure will be put on hold whilst any mediation takes place. In the event that mediation does not resolve the concerns raised, the grievance procedure will re-commence at the point reached prior to referral for mediation. Any discussions that have taken place as part of the mediation process will not be admissible as evidence in the reconvened procedure.

Where a grievance is resolved through mediation, a written mediation agreement may be drawn up. This agreement will remain confidential to the parties involved, unless they all agree otherwise. The manager responsible for dealing with the grievance will, however, be informed that an agreement is in place. The parties may release additional information about the agreement by mutual consent

7. The Grievance Procedure

Informal Stage

Grievances can often be resolved quickly and informally through discussion with managers and there is an expectation that every effort will be made to resolve matters informally. Employees are therefore expected to raise any concerns or issues informally with their line manager. If an employee feels unable to discuss the matter with their manager personally, they should ask another manager or work colleague to raise the matter on their behalf or to be in with them when to do so.

The manager will discuss an employee's concerns in confidence with them to understand the basis of the concern and the desired outcome. All reasonable attempts will be made to address the issue(s) at the earliest opportunity and on an informal basis.

Formal Stage

If the grievance has not been satisfactorily resolved through informal attempts, the employee should write to their manager advising them of their intention to invoke the formal grievance procedure. Grievances may be submitted in alternative

formats where required and communication will be provided in accessible formats upon request

Step 1 Making the complaint

The first stage of the formal grievance procedure is for the employee to put their complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that the nature of the grievance is clearly stated and an indication of the outcome of the grievance that the individual is seeking. If the grievance is unclear, an employee may be asked to clarify their complaint before any meeting takes place.

The complaint should be headed "Formal Grievance" and include the following details to enable the complaint to be dealt with as quickly as possible:-

- An indication that the formal grievance procedure is being invoked
- The nature of the grievance, the background to the issue, any relevant facts (including dates) and the names of any other parties involved
- Any steps that have been taken on an informal basis to address the concerns
- The employee's opinion on what would constitute a satisfactory resolution

The written notification should be sent to the employee's manager with a copy being sent to the HR Department. If the complaint relates to the way in which the employee's manager is treating them, the complaint should be sent to the HR Representative.

The grievance will be acknowledged by the HR Representative within 5 working days of receiving written notice of the grievance. This acknowledgement will indicate the way in which the grievance will be managed.

Where it is established that an investigation is required to establish the full facts of the grievance, an Investigating Officer will be appointed. The appointed person will be responsible for investigating the allegation and will usually be responsible for presenting the case to any grievance hearing. The Investigating Officer will be responsible for meeting with the aggrieved employee, investigating the matter by collecting and examining any background evidence, deciding on who should be interviewed, deciding on a timescale for the investigation, interviewing witnesses and preparing a report within a timely manner.

The aggrieved employee must co-operate fully and promptly in any investigation. This may include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents to the Investigating Officer and attending interviews, as part of the investigation.

It is recognised that the timescales for a grievance investigation will vary depending on its nature and complexity, the availability of witnesses and supporting evidence. It is however recommended that the grievance investigation should be concluded promptly and as soon as possible.

Step 2 Meeting

Once the employee has provided details of the basis of the grievance they will be invited to attend a meeting to discuss the grievance as soon as reasonably practicable. The meeting should be held without unreasonable delay and ideally 5 working days from the details being provided. Any documentation for consideration must be submitted at least 2 workings days before the meeting.

Where the grievance relates to the employee's immediate manager, the meeting will be chaired by another manager within the Foundation.

A representative from the HR Department may be present during the meeting to advise on the procedure. The employee may be accompanied at this meeting by a work colleague or an accredited trade union representative.

Where it is has not been possible to immediately notify the employee of the outcome of the grievance meeting as a result of further investigations and/or information gathering being necessary, the employee will be kept informed of the actions and timescales to complete the grievance proceedings. Once all necessary action has taken place, the employee will be notified of the outcome of the proceedings in writing.

An employee will be given the right of appeal against the decision if they are not satisfied with the outcome.

Possible Outcomes

As well as whether the grievance is upheld, partially upheld or not, there may be other possible outcomes. These may include mediation, training, management guidance, recommendations for workplace adjustments, or actions under other Foundation procedures where appropriate.

Appeals Procedure

If the employee wishes to appeal, they should state their grounds for appealing in writing to the Head of HR, Wellbeing and Inclusion within 5 working days of the date of receiving the original decision. The employee will be invited to attend a meeting and the employee will be informed of the date and time at which an appeal hearing will take place.

Appeals will normally be heard by a manager at the next level of authority above the manager involved at the grievance hearing and who has not previously been involved in the grievance.

The employee must attend the appeal hearing in person to explain the grounds of the appeal. In the event of non-attendance by the employee, the Foundation reserves the right to conduct the hearing in the employee's absence except where there is a good or justifiable reason to postpone the appeal hearing.

The Head of HR, Wellbeing and Inclusion (or a delegated HR Representative) will be present during the meeting to advise on the procedure. The employee may be accompanied at this meeting by a work colleague or an accredited trade union representative.

The employee will be informed of the outcome of the hearing within 5 working days of the appeals hearing taking place. The outcome of the appeal will be final and a copy of grievance will be kept on file.

Right to Be Accompanied

The employee may consult and be assisted, if they wish, by a work colleague or an accredited trade union representative at a grievance meeting or appeal hearing. However, legal representation at any stage in the procedure will not be permitted.

Please note that any accredited trade union representative must have received training or have experience in attending such grievance meetings. Fellow workers or trade union representatives do not have to accept a request to accompany a worker and should not feel pressurised to do so.

It should be noted that the work colleague/representative has a right to confer and make statements during the meeting but not answer questions on behalf of the employee. The companion will be allowed to address the hearing to put and sum up the employee's case, respond on the behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. The companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Foundation from explaining the allegations.

Meeting Times

At all times, meetings will be arranged to take place at a time that is convenient for both parties. It is recognised that in some circumstances, the employee and, or their representative may not be able to attend a hearing on the proposed date. In such circumstances, the employee may offer an alternative time and date so long

as it is reasonable and falls within 5 working days from the originally proposed date (beginning on the first working day after the original date proposed).

If the employee is unable to attend the meeting, they should notify the Foundation and give the reason for non-attendance as soon as it is known and in advance of the meeting. Where employees fail to attend because of circumstances outside of their control, they will be invited to attend another meeting. Where there is no valid reason for non-attendance, the Foundation may inform the employee that decisions will be made in their absence should they fail to attend a rearranged hearing without good reason.

Notes

Summary notes only will be taken at all meetings. These will be made available to the employee within 5 working days of the meeting. The person chosen to accompany the employee at the formal meetings will also be allowed to take their own notes.

Confidential Records

All information in relation to all aspects of the informal and formal grievance proceedings will be stored confidentially and in accordance with UK GDPR, the Data Protection Act 2018 and the Foundation's Data Protection Policy

Mitigating Circumstances

In all situations, the Foundation will take into account any mitigating circumstances which may have contributed to or led to the grievance.

Overlapping Grievance and Disciplinary or Capability Cases

Where an employee raises a grievance during a disciplinary or capability process, the disciplinary or capability process will not normally be suspended. The manager will consider the nature of the grievance and whether it has any bearing on the fairness or integrity of the ongoing process. Where appropriate, the grievance may be dealt with separately, concurrently, or the disciplinary/capability process may be temporarily suspended while the grievance is investigated. Employees may also raise concerns regarding the outcome of the disciplinary process through the relevant appeal process.

Sickness Absence

If sickness intervenes during any aspect of the grievance procedure, consideration will be given to the nature and anticipated length of absence and the nature of the matter under investigation. Advice should be sought from the HR Department to

consider whether the matter should be progressed or held in abeyance pending the employee's return to work.

8. Monitoring and Compliance

Overall responsibility for the operation of this procedure lies with the Head of HR, Inclusion and Employee Wellbeing. The effectiveness of the procedure will be formally reviewed and monitored at least on a bi-annual basis to ensure that it continues to meet the requirements of The Foundation and that it reflects HR good practice and statutory legislation as appropriate.