



PROCEDURE DOCUMENT

Procedure title: **GRIEVANCE PROCEDURE**

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BARTON HILL SETTLEMENT

INTRODUCTION

It is important that, if an employee feels dissatisfied with any matter relating to their work, they should have an immediate means by which such a grievance can be aired and resolved.

There are many ways in which employees can try to resolve a dissatisfaction informally, including talking to the person concerned directly, asking the HR Officer or staff/union representatives for advice, raising it with their line manager, or with another manager with whom the employee feels comfortable.

Nothing in this procedure is intended to prevent employees from informally raising any matter relating to their work directly with the person/s concerned. Please note that an exception to this is harassment and bullying, for which there is a separate policy and procedure.

Informal discussion can frequently solve problems without the need for a written record. If it is not possible to resolve a grievance informally, then employees should raise the matter formally and without reasonable delay. This must be done in writing, and should set out the nature of the grievance. The grievance will then be formally recorded and investigated, in accordance with this procedure. If the grievance is upheld, the aggrieved employee will not necessarily know what outcome or action has been taken.

Please refer to employee's statement of main terms of employment for details of who should be contacted in the first instance.

FORMAL GRIEVANCE PROCEDURE

GENERAL NOTES APPLYING TO ALL STAGES

1. Barton Hill Settlement employees can use this procedure to settle grievances with other employees and Barton Hill Settlement Senior Management Team. If the person to whom the grievance relates is a Trustee of Barton Hill Settlement, then that Trustee cannot take a place on the Grievance Panel. Where the grievance is against the Chair of the Board of Barton Hill Settlement, both Vice Chairs will sit on the grievance panel, and one of them will substitute for the Chair at the Arbitration stage.
2. Both the aggrieved employee and the person to whom the grievance relates should be advised that, at all stages of this procedure, they have the right to be accompanied by a fellow employee, staff representative, trade union representative, or lawyer. This person will be supplied with the relevant papers. If either party is a union member, the trade union rep should be notified of all meetings. At any hearing or appeal hearing, an employee's chosen companion will be allowed to address the meeting, respond on the employee's behalf to any view expressed in the hearing, and sum up the case on the employee's behalf. However, both the hearing and appeal hearing are essentially meetings between the employer and employee, so any questions put directly to the employee should be dealt with by the employee and not the employee's companion.
3. The HR panel member must keep a written record of each meeting. This must include details of the aggrieved employee's case, the response of the person to whom the grievance relates, and the outcome of the meeting. Both sides will be sent a written record of the meeting, but should be encouraged to consult with their trade union representative or other representative present before doing so. Copies of the record should be given to all those who attended the meeting.
4. At the end of each stage of the Grievance Procedure, the aggrieved employee must be advised of the next stage of the procedure by an agreed member of the panel.
5. In all stages the time limits may be altered by mutual consent.
6. Every effort shall be made to resolve the grievance at each stage, and the proceedings shall be kept confidential to the aggrieved employee, the person to whom the grievance relates, their representatives and the Grievance Panel members.

7. No action shall be taken to vary an employee’s terms or conditions of employment while that employee is following the Grievance procedure.

Copies of the original grievance and hearing outcome will be kept in the aggrieved employee’s file. All other correspondence and records relating to a particular grievance will be kept in a separate file and removed and destroyed 6 months after the conclusion of the procedure, unless the Grievance Panel makes a decision otherwise for an explicit and specific reason. Any such decision must be recorded in writing.

Malicious use of this procedure will result in disciplinary action.

THE GRIEVANCE PANEL

The Grievance Panel will consist of:

The Project Manager	If the grievance is <i>against</i> a Project Manager, then another Project Manager from the Operational Management Group replaces the Project Manager. If the grievance is against the Chief Executive Officer (CEO), the Chair of Barton Hill Settlement replaces the CEO on the panel. An additional person will be asked to join the panel if the grievance is against the CEO and originates from one of the infrastructure support groups e.g. Locality.
HR Officer	To take notes and advise on process. If the grievance is <i>against</i> the HR Officer, their place on the panel will be taken by a person appointed by the Senior Manager on the panel.
A Senior Manager	A member of the Senior Management team.

STAGE 1 – FORMAL HEARING

The aggrieved employee must raise the matter, in writing, laying out the reasons for their dissatisfaction. Please refer to the employees’ statement of main terms of employment for details of who you should write to in the first instance.

A meeting of the Grievance Panel must be convened without reasonable delay (and within 10 working days) to consider the matter. Both the aggrieved employee and the person to whom the grievance relates should be given a written reply within 10 working days of the meeting which states whether the grievance has been upheld or not.

Conduct of the Grievance Hearing

- The aggrieved employee explains his/her case.
- Witnesses may be called to substantiate the evidence of the aggrieved employee.
- The person to whom the grievance relates, or their representative, replies to the grievance.
- Each side of the case is heard separately.
- Witnesses may be called to substantiate the evidence of the person to whom the grievance relates.
- Members of the Grievance Panel may ask questions at any time.
- After the evidence is heard, the aggrieved employee, the person to whom the grievance relates, and any person who is not a member of the Grievance Panel withdraw whilst the Grievance Panel considers its decision.
- Both sides will receive written confirmation within 10 days.

Both management and staff (and their companions) must make every effort to attend the meeting. Employees will be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary, and a date and time arranged to reconvene the meeting.

Following the meeting, the Panel will decide on what action, if any, to take. The decision will be communicated to the employee taking the grievance and the other party, in writing, without reasonable delay (and within 10 working days). The employee will be informed that they can appeal if they are not content with the action taken.

STAGE 2 – APPEAL

If the aggrieved employee is not satisfied with the outcome of the formal hearing, they should raise the matter, in writing, laying out the reasons for their appeal, with the Chair of the Board of Barton Hill Settlement Trustees.

The appeal will be dealt with impartially by a manager and Trustee who have not previously been involved in the case.

A meeting with the new panel, the aggrieved employee, the person to whom the grievance relates and their representative, will be arranged. Either the Chair or one of the Vice Chairs of the Trustees will be asked to observe the hearing to scrutinise for impartiality. Their opinion of this will be included in the final decision. The meeting will be conducted as in Stage 1.

INDEPENDENT CHAIR

In exceptional circumstances, an independent arbitrator will be asked to chair the panel and lead the proceedings. These are some examples of such circumstances:

- Trustees or senior managers view it as an extremely complex case.
- Either the aggrieved person or the person to whom it relates is the Chief Executive Officer or Chair of Trustees.
- The case has the potential to cause serious reputational damage to Barton Hill Settlement.