6. Grievance Policy and Procedures

6.1 Introduction

Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with management and/or Trustees. Grievances are concerns, problems or complaints that employees raise with their employers. The aim of the Grievance Policy and Procedure is to address, and if possible, resolve grievances as soon as possible. It is also clearly in everyone’s interests to resolve problems before they can develop into major difficulties for all concerned.

Issues that may cause grievance include:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Equal opportunities

This policy and procedure applies equally to all employees. For volunteers, please see the Volunteer Policy and Procedures. The aim is to ensure consistent and fair treatment for all in the organisation. This policy incorporates the guidance as set out in the ACAS statutory Code of Practice on grievances.

6.2 Principles

The aim should be for employees to settle most grievances informally with their line managers and colleagues. This has the advantage of allowing for problems to be settled quickly.

In some cases it may be helpful to use a neutral mediator to help sort out a grievance.

If a grievance cannot be settled informally, or a formal approach is preferable, the employee should raise it formally with their line manager. If the grievance is against the person with whom the grievance would normally be raised the employee can approach that person’s manager or one of the Trustees.
6.3 The Procedure

6.3.1 Informal stage

An employee should discuss the grievance informally with their immediate line manager. The line manager should reply verbally as soon as possible and in any case no longer than 7 days later. If the employee is dissatisfied with the reply they are entitled to take the matter up formally by following the formal procedure set out below within 14 days.

6.3.2 Formal stage

Employees must complete step 1 if they wish subsequently to use the grievance as the basis of an application to an employment tribunal. If the employee has any difficulties in presenting the grievance in writing their line manager will encourage and support them to seek help. Employment tribunals may adjust any award of compensation by usually between 10 and 50 per cent for failure of either party to follow relevant steps of the statutory procedures where it applies.

STEP 1

The employee informs their line manager of their grievance in writing. If the grievance is against the person with whom the grievance would normally be raised the employee can approach that person’s manager or one of the Trustees.

STEP 2

The line manager/Trustee invites the employee to a grievance hearing (see below for details) to discuss the grievance. For the purposes of the legal right to be accompanied, a grievance meeting is defined as a meeting where an employer deals with a complaint about a "duty owed by them to a worker". For example, where the complaint is that the employer is not honouring the employee's contract or that the employee is in breach of employment related legislation. If the employee has the right to be accompanied it must be by a fellow worker, a certified trade union representative or an official employed by a trade union. It would not normally be reasonable for an employee to be accompanied by a companion who presence would prejudice the hearing. The time and place will be agreed with the employee. If an employee’s companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the employer. The five day time limit may be extended by mutual agreement.

The line manager will notify the employee in writing of the decision and also notify them of the right to appeal. The employee must take all reasonable steps to attend this meeting.
The line manager will respond in writing following the meeting, as soon as possible, and in any case no longer than 7 working days later. This letter will also state that the employee can appeal against the line manager’s decision if they are not satisfied with it.

**STEP 3**

The employee informs the line manager if they wish to appeal. The line manager must invite them to an appeal hearing (see below for details about the appeal). Following the meeting the employee must be informed in writing of the final decision. Employees must take all reasonable steps to attend meetings.

**Grievance hearing (Step 2)**

The grievance hearing is a meeting which deals with any grievance raised by an employee. For the purposes of the legal right to be accompanied, a grievance meeting is defined as a meeting where an employer deals with a complaint about a “duty owed by them to a worker”.

**Preparation for the hearing:**

- Any hearing should be held in private without interruption from outside.
- Management may find it useful to have someone to take notes and act as a witness to the proceedings.
- Management will need to read the written statement of the grievance carefully and should find out before the hearing whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment.

**Conduct of the hearing**

- All parties should remember that a grievance hearing is not the same as a disciplinary hearing, and it is an occasion when discussion and dialogue may produce a fruitful answer;
- All necessary introductions should be made;
- The employee will be invited to re-state their grievance and say how they would like to see it resolved;
- If the line manager reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned to get advice or make further investigation;
- The companion 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 does not however, have the right to answer questions on the employee’s behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case;

- Care and thought should go into resolving grievances. They are not normally issues calling for snap decisions, and the employee may have been holding the grievance for a long time. Allowance will be made for any reasonable “letting off steam” if the employee is under stress;
- Management should be careful to hear any grievance in a calm and impartial manner, being as fair to the employee as possible in the resolution of the problem;
- The line manager should give the grievance careful consideration before responding;
- After any summing up, management may find it useful to adjourn – they may need to explore possibilities with other managers about the resolution of the grievance, or they may themselves wish to take advice on how to proceed further;
- The line manager should tell the employee when they might reasonably expect a response if one cannot be made at the time, (bearing in mind the time limits set out in the procedure);

**Communication of the decision**

Decisions should be communicated to the employee, in writing, without unreasonably delay. The line manager should respond to the employee’s grievance in writing within the time limits specified above in step 2. Where appropriate the decision should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

**Appeals**

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. The employee must outline the grounds for appeal without unreasonable delay in writing.

It should be noted that the appeal stage is part of the statutory procedure and if the employee pursues an employment tribunal claim the tribunal may reduce any award of compensation if the employee did not exercise the right of appeal.
Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance. The appeal should go to a nominated trustee of City of Sanctuary UK. At the same time as inviting the employee to attend the appeal, the nominated trustee should remind them of their right to be accompanied at the appeal hearing.

As with the first hearing, the nominated trustee will write to the employee with a decision on their grievance as soon as possible. The nominated trustee will also inform the employee that the appeal hearing is the final stage of the grievance procedure.

6.4 Grievance about fellow employees

There are occasions when an employee may be the cause of grievances among his or her co-employees – perhaps on the grounds of attitude or capability for the job. Employers must deal with these cases carefully and should generally start by talking privately to the individual about the concerns of fellow employees. This counselling may resolve the grievance to the satisfaction of the co-employees, who need to be told that some action has been taken. Alternatively, if those involved are willing, an independent mediator may be able to help. If there is evidence which suggests that it may be a disciplinary action then the disciplinary procedures might need to be invoked. Care needs to be taken that any discussion with someone being complained about does not turn into a meeting at which they would be entitled to be accompanied.

6.5 Should the grievance procedure always be followed?

Management will ensure that they follow the grievance procedure and recognise that the failure to allow an individual access to the procedure, or failing to take any grievance seriously, may have a bearing on any subsequent employment tribunal or breach of contract claim.

Employers and employees will normally be expected to go through the statutory grievance procedures unless they have reasonable grounds to believe that by doing so they might be exposed to a significant threat, such as violent, abusive or intimidating behaviour, or they will be harassed.

There will always be a certain amount of stress and anxiety for both parties when dealing with the grievance cases, but this exemption will only apply where the employer or employee reasonably believes that they would come to some serious physical or mental harm; their property or some third party is threatened or the other party has harassed them and this may continue.

Equally the procedure does not need to be followed if there are circumstances that prevent one or more steps being followed within a reasonable period, but only if the circumstances are beyond the control of either party. This will sometimes be the case where there is a long-term illness or a long period of absence abroad but wherever possible the employer should consider appointing another manager to deal with the procedure.
Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

6.6 If issues are not entirely within the control of City of Sanctuary UK

Some issues which are raised may be about matters that are not entirely within the control of City of Sanctuary, such as a member of a City of Sanctuary group, or where an employee is working at a different office. These issues will be treated in the same way as within the organisation, with the line manager investigating as far as possible and taking action if required. The organisation should make it very clear to any third party that grievances are taken seriously and action will be taken to protect their employees.

6.7 What if an employee’s employment ends before the grievance procedure has been followed?

If an employee’s employment ends before the grievance procedure has been followed, a modified statutory grievance procedure may be applied if both parties agree.

6.8 Special considerations

Complaints about discrimination, bullying and harassment will be dealt with under the separate policies and procedures for dealing with these issues.

City of Sanctuary UK also has a whistle blowing procedure in accordance with the Public Interest Disclosure Act 1998. This procedure gives protection to employees who raise concerns about certain kinds of wrongdoing in accordance with its procedures.

6.9 Keeping records

City of Sanctuary UK will keep written records during the grievance, in the interests of both employer and employee. Records will include:

- The nature of the grievance raised;
- A copy of the written grievance;
- The employer’s response
- Action taken;
- Reasons for action taken;
- Whether there was an appeal and, if so, the outcome; and subsequent developments.
Records will be treated as confidential and kept in accordance with the GDPR, which gives individuals the right to request and have access to certain personal data.

Copies of meeting records should be given to the employee including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.