



Grievance Policy and Procedure

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Lead Person(s):	Principal
Review date:	Under review

GRIEVANCE POLICY AND PROCEDURE

1. INTRODUCTION

Sunfield's Grievance Policy and Procedure has been written in accordance with the latest Code of Practice (and "The ACAS Guide – Discipline and Grievances at Work") published by the Advisory Conciliation and Arbitration Service (ACAS), in April 2009. The Code of Practice is issued under Section 199 of the Trade Union Labour Relations (Consolidation) Act 1992.

In reviewing Sunfield's Grievance Policy and Procedure, it has been the intention to ensure that "best practice" principles are followed, to ensure the fair and equitable treatment of all employees.

2. POLICY STATEMENT

- 2.1 In any organisation workers may have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed. This policy and procedure is designed to ensure that all individual grievances are dealt with in a fair, consistent and confidential manner; that employees know how and with whom to raise a grievance; and that managers know what to do when a grievance is raised.
- 2.2 It is in everyone's best interest to ensure that workers' grievances are dealt with quickly and fairly, and at the appropriate level within Sunfield at which the matter can be resolved. It is envisaged that most grievances will be resolved satisfactorily by informal discussion. However, where this is not possible, it is recognised that staff have the right to seek a solution to a grievance through a more formal procedure.
- 2.3 It is not possible to list of all the issues which might give rise to a grievance to which this policy and procedure would apply. However, the categories under which a grievance could fall include:
- Terms and conditions of employment
 - Health and safety
 - Working relationships with colleagues/managers
 - Bullying and harassment
 - New working practices
 - Working environment
 - Organisational change
 - Equal opportunities
- 2.4 Where a grievance arises relating to terms and conditions of employment, the existing working arrangements will continue to apply to the complainant until the grievance procedure has been followed to its conclusion.
- 2.5 Where a grievance arises relating to bullying and/or harassment, please refer to Appendix 1 for further detail.
- 2.6 This policy and procedure applies to grievances raised by an individual employee or by a group of employees, and is applicable equally to all levels of management and employees within Sunfield.

3. AIMS AND OBJECTIVES

- 3.1 The primary aim of the grievance procedure is to resolve grievances in the shortest time, as near as possible to the point of origin, whilst allowing staff the opportunity to either request that the matter is dealt with through the formal procedure if the informal route does not resolve the matter, or where the formal procedure is used, to appeal to a higher level if the matter is not resolved at the first stage.
- 3.2 The objective of the procedure is to provide a fair and non-discriminatory process through which grievances can be heard and resolved to the satisfaction of all parties.
- 3.3 All grievance proceedings and records made will be kept confidential wherever possible.

4. RESPONSIBILITIES

This Policy and Procedure is written in such a way so that both managers and employees can follow the steps, actions and timescales that will apply in grievance matters. Particular responsibilities can be outlined as follows:

4.1 The Board of Trustees

In circumstances where the person initiating a grievance under the terms of this policy and procedure is a member of the Strategic Leadership Team, the grievance will be addressed to Principal who will hear the meeting. Should the grievance relate directly to the Principal, then the grievance should be addressed to the Board of Trustees who will designate one Trustee (or more, depending on the nature and seriousness of the matter) to chair the grievance meeting.

4.2 The Senior Leadership Team (SLT)

Within Sunfield, this group have the authority to chair formal grievance appeal meetings and/or to chair initial formal grievance meetings.

4.3 Department and/or Line Managers and/or Supervisors

When a manager within this group is asked to resolve a grievance, they will normally in the first instance discuss the matter with the employee with a view to resolving it informally at that level. If they believe it is warranted, they will advise the employee to put the grievance in writing, and will obtain advice and guidance from a more senior manager and/or HR as to the appropriate course of action.

Depending on the nature and seriousness of the grievance, this group can chair a grievance meeting and decide on the outcome.

4.4 Human Resources Department

- (a) When made aware that a grievance has been raised, HR are responsible for advising managers (and Trustees if so requested) at each stage of this procedure to ensure fairness and consistency.
- (b) The HR Department will ensure that any documentation relating to the grievance is kept in an appropriate confidential environment.
- (c) An appropriate senior member of HR will normally be present at formal grievance meetings.

4.5 Employees

In the context of this Policy and Procedure, employees have a duty to co-operate with management in respect of any investigation, and to provide relevant information (and

not to deliberately withhold information), and to participate in any meeting in respect of a grievance matter.

4.6 Trade Union representatives (internal or external)

Where an employee requests representation (in the context of the right to be accompanied as described in Section 5) from his/her Trade Union, representatives are expected to co-operate regarding the application and implementation of this procedure.

5. THE RIGHT TO BE ACCOMPANIED

5.1 The provisions for an employee to be accompanied at grievance meetings is contained within Section 37 of the Employment Relations Act 2004, and will be applied as follows:

- (a) The employee who has raised the grievance will be advised that they have the right to be accompanied by a work colleague or trade union representative (full-time or lay), and if they do wish to be accompanied they should inform management accordingly.
- (b) Where the employee is accompanied to a grievance meeting, the companion will be allowed to confer with the employee during the meeting, to address the meeting to put the employee's case, to sum up that case, and to respond on the employee's behalf to any view expressed at the meeting. (However, the companion cannot answer questions on behalf of the employee unless it is specifically agreed by the person chairing the meeting.)
- (c) The companion must not be involved in the matter which is the subject of the grievance meeting.

5.2 The right to be accompanied will apply to all stages of the formal grievance procedure.

6. RESOLVING A GRIEVANCE INFORMALLY

In circumstances where an employee raises what could be considered to be a grievance in an informal manner, i.e. in the course of a conversation with their immediate supervisor or manager, then it will normally be the case that the matter will be resolved at that level, either immediately or very soon after. However, if it is not possible to do so, or if the immediate supervisor or manager believes the matter to be sufficiently serious, then they should advise the employee to put the grievance in writing in order that the formal procedure can be instigated (see Section 7).

7. THE FORMAL GRIEVANCE PROCEDURE AND GRIEVANCE MEETING

- 7.1
- (a) Any member of staff (other than members of SLT) who believe they have a grievance relating to their employment within Sunfield (see Section 2.3) should bring the matter to the attention of their immediate line manager at the earliest opportunity. The grievance should be in writing. If the grievance relates to the employee's own line manager, the matter should be raised with the next level of management.
 - (b) Members of the Strategic Leadership Team should raise their grievance to the Principal in the first instance. Should the grievance relate to the Principal, the matter should be raised with the Board of Trustees.
 - (c) If the Principal believes he/she has a grievance, they should bring it to the attention of the Board of Trustees. .

(d) Formal grievances should be put in writing, outlining the alleged incident(s), the date occurred, any harm caused and the names of any witnesses. In cases of bullying or harassment, the name of the alleged harasser or bully.

7.2 The manager (or Trustee) responsible for hearing the grievance will arrange a formal meeting with the employee to discuss the grievance. This will normally take place within five working days of receipt of the grievance or as soon as is reasonably practical. The employee will be advised that they can be accompanied to the meeting (see Section 5). A senior member of the HR team will also normally be at the meeting, to advise on procedure and to ensure that the matter is dealt with comprehensively.

7.3 Where possible, the manager (or Trustee/s) will decide on the outcome or response to the grievance at the meeting, in which case this will be conveyed to the employee at the time, and confirmed in writing immediately after. Where it is not possible to reach an immediate decision, the employee will be advised accordingly, and will be given a timeframe within which the manager (or Trustee/s) will respond. Wherever possible, this will be within five working days of the meeting.

7.4 In considering the matter raised, the manager (or Trustee/s) must take account of all relevant information, and if appropriate, conduct a formal investigation prior to reaching a decision. In these circumstances, it may not be possible to respond in a five working day period. If this is the case, the employee will be given an explanation for the delay and told when a response can be expected.

7.5 Depending on the circumstances, the outcome will normally be conveyed to the person raising the grievance face-to-face, thereafter being confirmed in writing including the reason(s) for the decision. If it is not reasonably practicable to have a face-to-face meeting, the outcome will be given in writing including the reason(s) for the decision.

7.6 In all cases, the person raising the grievance will be given the opportunity to appeal against the decision, and will be advised in writing how, to whom and within what timeframe (normally within five working days of receipt of the decision) to lodge an appeal.

8. THE APPEAL PROCEDURE

8.1 Appeals can be made on the grounds of:

- alleged failure of the person hearing the initial grievance to take account of all relevant facts;
- new information becomes available which affects the substance of the grievance (and/or the initial outcome);
- the person hearing the initial grievance fails to follow the correct procedure to resolve it.

8.2 In all cases the complainant will have to substantiate grounds for requesting an appeal which will have to be based on one or more of the grounds as described in Section 8.1 above.

- 8.3 In cases where an employee (other than a member of the Strategic Leadership Team) wishes to appeal against the outcome of a grievance meeting, the appeal must be put in writing to a specified member of SLT, and must be submitted within five working days of receipt of confirmation of the outcome of the original meeting. The specified member of SLT has the discretion to delegate responsibility for hearing the appeal to a Strategic Leadership Team member unconnected with the matter.
- 8.4 In cases where a member of the SLT wishes to appeal against the outcome of a grievance meeting, the appeal will be put in writing to the Chair of the Board of Trustees, or (in their absence) to any other Trustee who has not been involved in the original meeting. This must be submitted within five working days of receipt of confirmation of the outcome of the original grievance meeting. The appeal will be heard by any two Trustees hitherto unconnected with the proceedings.

9. THE APPEAL MEETING

- 9.1 Normally the Appeal Meeting will take place within 10 working days of receipt of the request for an appeal. Where this is not possible, the complainant will be advised at the earliest opportunity, and the meeting will be held as soon as is reasonably practicable.
- 9.2 The appeal meeting will be conducted in the same way as the initial grievance meeting with the employee (or the member of SLT) who raised the grievance presenting his/her case for the appeal. The manager (or Trustee) who chaired the original meeting will then present their reasons for their decision. The SLT manager or Trustees (as the case may be) chairing the appeal will listen to both sides, will ensure that all the relevant facts are established, and will ask questions as appropriate to ensure the fullest possible understanding of the matter, prior to deciding the outcome.
- 9.3 The appeal meeting may include an adjournment to allow the chairperson(s) to consider the case and the basis of the appeal. He/she/they will determine the outcome of the appeal, wherever possible within a reasonably short time period, with the employee or SLT member who raised the grievance being called back into the meeting to be advised of the outcome, which will be confirmed in writing following the meeting.
- 9.4 An appeal decision will be considered to be final.

10. ASSOCIATED POLICIES

Code of Conduct

Disciplinary Procedure

Safeguarding and Child Protection Policy

Whistleblowing Worries, Complaints

& Compliments

APPENDIX 1 – BULLYING AND HARASSMENT

The organisation recognises the sensitive nature of bullying and harassment. Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. The organisation operates an open-door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis. However, the organisation recognises that this may not always be appropriate in the circumstances. If this is the case, employees can discuss the situation with the next higher level of management or with the HR Manager.

Definition of harassment

Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating, or offensive working environment for him or her.

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and he or she feels damaged by it, then that individual has every right to say so, and his or her right to do so will be respected.

Where it cannot be established that there was an intention to offend, conduct will be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, if taking all the circumstances into account, particularly including the recipient's views, it would be reasonable to come to that conclusion.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk.

Harassment on any grounds, including the above, will not be tolerated. It is not only despicable and demeaning, but it is also unlawful under the Equality Act 2010.

Examples of harassment include (but are not restricted to):

- verbal harassment — examples include crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender-based remarks
- non-verbal harassment — examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects
- physical harassment — examples include unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault, and physical coercion
- coercion — examples include pressure for sexual favours (eg to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc
- isolation or non-co-operation and exclusion from social activities
- intrusion — examples include stalking, pestering, spying, etc.

Definition of Bullying

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. Bullying is defined as:

“offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society as a whole”.

Examples of bullying (this list is not exhaustive)

- shouting or swearing at people in public and private
- ignoring or deliberately excluding people
- persecution through threats and instilling fear
- spreading malicious rumours
- constantly undervaluing effort
- dispensing disciplinary action which is totally unjustified
- spontaneous rages, often over trivial matters.
- withholding information or supplying incorrect information
- deliberately sabotaging or impeding work performance
- constantly changing targets
- setting individuals up to fail by imposing impossible deadlines
- removing areas of responsibility and imposing menial tasks
- blocking applications for holiday, promotion, or training.

These examples must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, the organisation reserves the right to investigate the situation — as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

Solutions

Just as it is for the individual to decide what behaviour is either acceptable or unacceptable, then it is also for the individual to decide which route to take in solving any problem that has occurred. There are two types of solutions available: informal and formal.

Informal solutions

Employees can choose to solve the matter themselves by simply approaching the harasser/bully, telling the harasser/bully that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a [colleague/union representative (where a union is recognised) who can accompany the victim when speaking to the harasser/bully.

A third option is that the victim can put their views in writing to the harasser/bully, telling them that their behaviour is unacceptable and that it must stop.

Formal solutions

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance, with the procedure adapted to take account of the sensitivities of such situations.

Each step and action under the formal grievance procedure will be taken without unreasonable delay. Complaints will be investigated swiftly and confidentially whilst ensuring that the rights of both the alleged victim and the alleged harasser are protected.

Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting in making a complaint, even if it is not upheld, as long as it is made in good faith.

Continuing to Work Together

Whether a complaint is upheld or not, the organisation recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case the organisation will consider a voluntary request from either party to transfer to another job or work location. However, a transfer cannot always be guaranteed.

Training and counselling

Training and/or counselling may be offered to the complainant and/or to the (alleged) harasser, even if the complaint has not been upheld. This will be provided by a trained member of staff or by an external provider, as appropriate.

Monitoring

Where harassment or bullying has been found to have occurred, and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The organisation will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Malicious Complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to the organisation's disciplinary procedure, as will any witnesses who have deliberately misled the organisation during its investigations.

Dealing with Harassment by a Third Party

A member of staff who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put his or her personal safety at risk, and should report the issue immediately to their manager.

A member of staff may take the following steps if he or she chooses to resolve the matter by his or herself.

1. Politely ask the third party to stop the bullying or harassment and inform them that bullying or harassment of the company's workers by a third party will not be tolerated.
2. If the third party does not stop the bullying or harassment, repeat step 1 and advise them that you will take formal action against them if the bullying or harassment continues.
3. If the third party does not stop the bullying or harassment — immediately report the incident to their line manager.

The complaint will be investigated immediately and in some cases the bully or harasser may be asked to leave the employer's premises and not return.