

Saffron Walden



GRIEVANCE POLICY

This policy has been adopted by Saffron Walden Mencap Society through its Trustees Committee which remains responsible for its review.

Original signed version is kept at the SWMS Registered office.

Signed: *Patrick Draper*

Date: 22nd May 2023

Chair of Trustees

Reviewed: May 2023

Next review: May 2026

GRIEVANCE POLICY

1 Policy Statement

Saffron Walden Mencap Society believes that all employees should be treated fairly and with respect. Should an employee believe this is not the case; the policy helps employees to have access to a process to help deal with any complaint, relating to their employment fairly and without unreasonable delay.

The policy provides guidance on how employees can resolve their complaint with an appropriate impartial person on an informal basis in the first instance, if you feel you are unable to approach your line manager directly in the first instance, you should speak to a more senior manager informally, who will discuss ways of dealing with the matter with you.

This procedure applies to employees of Saffron Walden Mencap Society only and does not form part of your Terms and Conditions of Employment. It is non-contractual and may be varied from time to time.

2 Raising a grievance informally

Most grievances can be resolved quickly and informally by talking through your concern with your line manager. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak informally to a more senior manager.

The steps taken at the informal stage to deal with your grievance will vary depending on the nature of the complaint and the type of solution that may be possible. It may involve other colleagues or more senior managers where appropriate. In cases where your complaint involves another colleague, the manager may suggest a conciliation meeting.

Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance in writing under this procedure.

3 Raising a grievance formally

A formal grievance should be your concerns with the way in which you have been treated by Saffron Walden Mencap Society or managers acting on its behalf. If your complaint relates to bullying or harassment on the part of a colleague, the matter should be dealt in line with our *Equal Opportunities policy*. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Saffron Walden Mencap Society Disciplinary policy and you will be informed of the outcome where appropriate.

Grievances may be concerns with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed.

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the Saffron Walden Mencap Society Disciplinary policy.

Grievances raised while you are subject to disciplinary proceedings may be heard when the disciplinary process has been completed or may be heard concurrently. This depends on the nature of the grievance and whether it has any bearing on the disciplinary proceedings, it can be raised as a relevant issue within the course of those proceedings.

4 Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

5 The right to be accompanied

You have the right to be accompanied by a fellow worker or trade union official at any grievance hearing or subsequent appeal. The trade union official need not be an employee of Saffron Walden Mencap Society, but if he/she is not a fellow worker or an employee of his/her union, Saffron Walden Mencap Society may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

The choice of companion is a matter for you, but Saffron Walden Mencap Society reserves the right to refuse to accept a companion whose presence would undermine the grievance process. Please note that colleagues are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between Saffron Walden Mencap Society and you, so any questions put directly to you should be dealt with by you, your companion does not have the right to answer questions on your behalf address the hearing if you do not wish them to do so or prevent Saffron Walden Mencap Society from explaining their case.

Where the chosen companion is unavailable on the day scheduled for the hearing or appeal, the meeting will be rescheduled, if you can propose an alternative time within five working days of the scheduled date.

6 Accessibility

If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with the appointed manager for that stage of the grievance procedure, who will make appropriate arrangements.

7 Conducting the grievance procedure

Saffron Walden Mencap Society recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. Saffron Walden Mencap Society will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

8 Formal grievance procedure

The first stage of the grievance procedure is for you to put your complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your grievance and indicate the desired outcome that you are seeking.

If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your complaint should be headed "Formal grievance" and sent to your line manager. If your complaint relates to the way in which your line manager is treating you, the complaint may be sent to a more senior manager.

Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected. If any evidence is gathered during these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

9 The grievance hearing

The hearing will be held as soon as is reasonably practicable to do so and, subject to any need to carry out prior investigations, within five working days of the receipt of your written complaint. It will be conducted by an appointed impartial person and attended by note taker. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of your complaint. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

A written record of the meeting will be taken, and prior to the meeting adjourning for further investigation, all parties present are to review and sign the notes to confirm their agreement to their contents.

Following the meeting, you will be informed in writing of the outcome within seven working days and told of any action that Saffron Walden Mencap Society proposes to take as a result of your complaint. You may discuss this outcome informally with either your manager or Grievance hearing manager. You have the right to appeal the decision.

10 Appeal

Your appeal should be made in writing as detailed on your outcome letter. You should clearly state the full grounds of your appeal. This should be done within seven working days of the written notification of the outcome of the grievance. An impartial person will be appointed to hear the appeal and where practicable to do so will be of a more senior level. An appeal meeting will be arranged to take place as soon as possible and ideally within five working days of the submission of your formal appeal.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the Appeal Officer of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

The Appeal Officer will consider the grounds that you have put forward. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of appeal in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

A written record of the meeting will be taken, and prior to the meeting adjourning for further investigation, all parties present are to review and sign the minutes to confirm their agreement to their contents.

Following the appeal meeting taking place, where possible to do so you will be informed of the outcome within seven working days of the appeal hearing. This is the final stage of the process; therefore, the decision will be final.

11 Miscellaneous

This procedure will be reviewed every three years. Any amendment to it will be notified to employees in writing by Saffron Walden Mencap Society and such written advice will inform employees as to the date when any amendment comes into effect.