

# Grievance Resolution Policy

## Purpose

The purpose of this Policy and Procedure is to ensure that:

- a. Employees and workers have a way of raising concerns, problems or complaints about their work and that these are dealt with fairly and objectively.
- b. The focus of everyone involved in the process is on working together to identify solutions and resolve concerns.
- c. Grievances are dealt with in a fair and consistent way and resolved as speedily and informally as possible and any action taken considers other policies and procedures.
- d. Employees and workers are aware of their entitlement to request to be accompanied at formal grievance meetings.
- e. Mediation is promoted to resolve difficulties, where both sides are in agreement.

This non contractual policy and procedure applies to:

- Employees and voluntary workers (referred to as 'workers').
- Situations where employees and workers raise work-related concerns, problems or complaints, including harassment complaints and complaints about actions or omissions of a third party e.g. agency workers; consultants; service users or their families; employees of partner agencies.
- In conjunction with direction from the Trustees managers may consider complaints received from former employees and workers, and take any necessary action they consider appropriate.

This policy and procedure does not apply to:

- Volunteers, agency workers, self-employed contractors and employees of partner organisations.
- Issues arising as a result of legal or statutory changes.

## Definition

**Grievance** - a grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues that directly affects their employment.

**Mediation** – Mediation is a voluntary dispute resolution process which may be used at any stage during the informal and/or formal grievance procedure. It involves identifying a trained and impartial third party, who will aim to help two individuals or groups of individuals facilitate a resolution to a problem or issue that is causing conflict.

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## Roles and Responsibilities

**Employees and workers** are responsible for trying to resolve concerns informally at an early stage and using the grievance resolution procedure in good faith. Whether the subject of a complaint, the complainant or a witness, employees and workers are expected to co-operate in a professional and timely manner to reach a resolution.

**Line managers** are responsible for trying to resolve issues raised with them, impartially investigating concerns where necessary and ensuring that employees and workers raising grievances or who have grievances raised against them are treated fairly and respectfully and that complaints are dealt within a reasonable timeframe under the correct procedure.

## 1. Introduction

- 1.1 Liberate is committed to the resolution of individual grievances fairly and promptly wherever possible.
- 1.2 This policy sets out how work-related problems or concerns can be raised and the steps that will be taken in order to try and resolve them.
- 1.4 Employees have the right to request to be accompanied at a formal grievance hearing held under the formal procedure. A companion may normally be a formal representative or a Liberate colleague.

### Procedures

Where two or more grievances are raised about the same problem, Liberate may decide to deal with them together under this procedure, including holding joint meetings.

Liberate is committed to ensuring all employees and workers can fully access and participate in this process. Managers may make reasonable adjustments to the procedure and arrangements to ensure that disability, language or literacy are not a barrier to fair access. Examples of reasonable adjustments may include the support of a signer/communicator at meetings or providing meeting notes in an accessible format. The provision to make reasonable adjustments also applies to those accompanying employees and workers.

## 2. Informal resolution

This stage is not part of the formal procedure.

- 2.1 Employees and workers are expected to try to resolve problems informally in the first instance by discussion with their supervisor or line manager. If the grievance is against the manager of the employee or worker, then the problem should be raised with that person's manager who will seek to resolve the matter informally, as appropriate. The employee/worker should state their concern and how he/she would like the concern resolved.

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- 2.2 The manager should arrange to meet the employee/worker as soon as is reasonably practicable to establish why they are dissatisfied and look for a solution to the problem. The aims of the discussion should be to:
- ensure that the employee/worker is given a full opportunity to explain their grievance informally;
  - seek a means of resolving the problem;
  - consider mediation to try to resolve the problem if both parties are in agreement.

An employee or worker complaining of harassment has the following options to assist them to resolve the issue informally:

- Speak or write to the person who is the subject of the alleged harassment personally
- Ask a third parties to speak to the person who is the subject of the complaint on their behalf.
- Ask their line manager or an appropriate impartial manager to try to set up mediation.

## 3. Formal resolution

Where a grievance cannot be resolved informally, the employee/worker may choose to raise a formal grievance. Formal grievances are dealt with fairly and the required actions are carried out by everyone involved within a reasonable timeframe.

**Mediation:** Mediation should be considered and may be used, during or following a formal grievance with the agreement of the parties involved. If following mediation, the issues are not resolved the parties can still choose to go back to the grievance resolution procedure at the point it was put on hold for mediation.

### 3.1 First Formal Stage

Actions required must be undertaken by everyone involved within a reasonable timeframe and details of any delays will be communicated promptly to other parties to the procedure.

Note: if the outcome of the grievance resolution procedure leads to use of the disciplinary procedure, (for example, where a case to answer is found in relation to alleged harassment), then any challenges that person has about the outcome of the grievance, must be raised during the disciplinary procedure.

1. Where an employee/worker has been unable to resolve their concerns informally, they should write to their line manager or an appropriate impartial manager.

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2. The employee/worker's letter must include full details of their grievance, including details of any informal steps already taken and the outcome they are seeking. It should include details of how the employee/worker would like the problem resolved and copies of any supporting documentation.
3. If relevant and available, for example in harassment cases, the employee/worker should also include the following information:
  - Dates, time and locations of events/actions etc.
  - The names of witnesses, if there are any
  - Where harassment is alleged, the name of the person who is the subject of the allegation, details of the nature of harassment and specific examples.

All those involved in the grievance resolution procedure are required to maintain confidentiality as far as this is possible and to share information on a need to know basis only. Where necessary, information may be shared in the course of an investigation or at any stage in the procedure.

- i. Manager writes to the employee/worker promptly to acknowledge receipt of their letter, and if they are nominating another manager to hear the grievance, the letter will specify this.
- ii. Manager informs the subject of any allegation promptly and provides them with relevant details.
- iii. Manager hearing the grievance invites the employee/worker to a meeting to discuss the grievance, to be held within a reasonable timeframe from receipt of their letter.
- iv. The employee/worker can request to be accompanied at the meeting by a representative or a Liberate colleague.
- v. All parties must make every effort to attend grievance meetings but if the employee/worker's companion is unable to attend the meeting on the planned date, they may suggest an alternative date within 5 working days of the original date. If the new date suggested is not practicable for Liberate another date will be agreed.
- vi. At the meeting, manager asks the employee/worker to explain their grievance and how they think it could be resolved.
- vii. In harassment cases, the manager meets with the person who is the subject of the allegation as soon as possible following the meeting with the complainant. The purpose of the meeting is to provide the person who is the subject of the allegation with any further details of the allegation and to give them the opportunity to give an initial response before any investigation begins if they wish to do so.

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- viii. If necessary, the manager investigates/makes additional enquiries about the grievance or, if they consider it appropriate, they may arrange for an independent investigator.
- ix. Once the investigation is concluded, and within a reasonable timeframe, manager writes to the employee/worker to advise them of the outcome of their grievance, including the steps to be taken in order to try and resolve the grievance and the right of appeal OR, if the manager deems it more appropriate, for example in harassment cases, arranges to meet with the employee/worker raising the grievance to inform them of the outcome, then writes to them to confirm this and their right of appeal.
- x. For harassment cases, manager also writes to the person who is the subject of the allegation to advise them of the outcome of the grievance in writing OR, if the manager deems it more appropriate, arranges to meet with the person who is the subject of the allegation to inform them of the outcome, then writes to them to confirm this.
- xi. Following the outcome, the investigating manager will update electronic staff files with relevant grievance documentation.
- xii. As a follow up to the outcome, it may be appropriate for the manager to plan and conduct a review of the situation at a later date after conclusion of the complaint (either at the 1st formal or appeal stage) so that any learning can be taken forward and appropriately shared.

## **3.2 Appeal (final) stage**

Actions required must be undertaken by everyone involved within a reasonable timeframe.

- xiii. After receiving written notification of the outcome of the first formal stage, if the employee/worker is not satisfied with this then they can proceed to the Appeal (final) stage.
- xiv. An employee/worker who wishes to appeal, must write to the nominated appeal manager within 10 working days from the outcome of the first formal stage, setting out the full grounds of their appeal and details of what action will resolve the grievance. Appeal manager promptly acknowledges the employee/worker's letter of appeal.
- xv. For harassment cases, appeal manager also informs the person who is the subject of the allegation in writing that an appeal has been lodged.
- xvi. Appeal manager invites the employee/worker to a meeting to discuss their appeal; meeting to be held within a reasonable timeframe.
- xvii. The employee/worker can request to be accompanied at the appeal meeting by a representative or a Liberate colleague.
- xviii. All parties must make every effort to attend appeal meetings but if the employee/worker or their companion is unable to attend the meeting on the planned date, they may suggest an alternative date within 5 working days of the original date.

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- xix. Appeal manager may ask the employee/worker to provide additional clarification prior to the appeal meeting.
- xx. Appeal manager reviews the original decision(s) and during the meeting asks the employee/worker to explain their appeal.
- xxi. Appeal manager may adjourn and reconvene the meeting, either to consider their decision or to make any additional enquiries they deem necessary before making their decision(s) about the outcome.
- xxii. Once they have made their decision(s), appeal manager writes to the employee/worker to inform them of the outcome of their appeal and to advise them that the outcome is final OR, if the appeal manager deems it more appropriate, for example in harassment cases, arranges to meet with the employee/worker (and their companion if they have one) to inform them of the outcome, then writes to them to confirm this and to advise them that the outcome is final.

## 4 Conclusion

Following the outcome, the investigating manager will update electronic staff files with relevant grievance documentation.

As a follow up to the outcome, it may be appropriate for the manager to plan and conduct a review of the situation at a later date after conclusion of the complaint (either at the 1st formal or appeal stage) so that any learning can be taken forward and appropriately shared.

### Further Issues:

It is expected that employees/workers will use the grievance resolution procedure in a co-operative and respectful manner treating other colleagues with respect and with the aim of resolving concerns. If an employee makes allegations, and following investigation, these are believed to be intentionally malicious, this may be considered under the disciplinary procedure.

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