

RNN Group

Grievance Policy and Procedure

Effective from 1st May 2019

This Applies to:

All RNN Group Employees

RES Employees

National Fluid Power Centre Employees

National Children's and Family Partnership Employees

(Excluding Aston Training)

Ownership: Jane Hartog, Human Resources & Organisation Development Director

Impact Assessment Date: Undergoing

Data Protection Impact Assessment Date: 18/4/19

Union Approval Date: 28/2/19

SLT Approval Date: 28/2/19

Next Review Date: May 2022

1 Scope and purpose

- 1.1 This policy and procedure shall apply to all employees other than “designated senior post holders” as defined in the Corporation’s Articles of Governance.
- 1.2 The policy and procedure will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, ‘Disciplinary and Grievance Procedures’, last updated April 2015 and the Union Recognition Agreement. It also takes into account European and UK legislation.
- 1.3 This document sets out the RNN Group grievance policy and provides a structured mechanism for employees to raise concerns related to their employment. The policy aims to help to resolve individual grievances in a manner which is as fair and expeditious as possible.
- 1.4 This policy and procedure does not form part of the employee’s contract of employment and so the right is reserved to depart from it where appropriate.

2 General principles

- 2.1 A Grievance is “a complaint by an employee about action which their employer has taken or is contemplating taking in relation to them”. A grievance could also relate to other colleagues. Collective grievances will be dealt with as part of this policy. A grievance could be regarding any of the following (this is illustrative and not exhaustive):
 - Terms and conditions of employment
 - Working conditions
 - Working hours
 - Unfair treatment
 - Bullying and harassment
 - Health and safety
 - Work relations
 - Equal opportunities
 - A breach of statutory employment rights
 - Where an employee feels that a condition of employment has been incorrectly used against them
- 2.2 Any matters arising that are considered in the “public interest” should be raised in line with the Whistleblowing Policy and Procedure.
- 2.3 The RNN Group does not have a separate policy for dealing with grievances relating to discrimination, bullying, victimisation or harassment. Bullying or harassment of an individual will not be tolerated and any complaint of such a matter should be raised through the grievance policy and this may then be dealt with formally through the grievance policy and/or disciplinary policy if appropriate.
- 2.4 RNN Group will listen to and consider the opinions and feelings of any employee that feels they have been treated unfairly. We will act promptly to investigate grievances and will take all reasonable steps to resolve workplace disputes.
- 2.5 Every effort will be made to resolve the grievance at the earliest possible stage, for instance by discussing informally with those concerned first. Only after effort has been made to resolve the matter informally should employees seek to use this policy. Once triggered, efforts should be made to resolve the grievance at Stage 1, without need for escalation.

- 2.6 Employees wishing to raise a formal grievance (stage 2) must use the form attached in Appendix 1.
- 2.7 In the interest of ensuring that grievances are resolved promptly and without undue delay, time limits are given for appropriate stages. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, by mutual agreement. Due regard will be given to the personal circumstances of all parties involved. Wherever there are unavoidable delays, the employee concerned shall receive a simple update explaining the reason for the delay and when it is likely to be resolved. Grievances should be raised by no later than three months from the date of the alleged incident, where possible.
- 2.8 Mediation is an option that can be available to the employee in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, third party helps to facilitate discussion and seeks to support resolution between the parties in order that working relationships can be maintained. Mediation may also be recommended to help resolve matters in formal grievance. A guide to mediation is attached.
- 2.9 All information at any stage of this policy, whether written or verbal, must be treated as confidential information by all parties, unless agreement to vary this is reached between the relevant Union(s) and the individual concerned.
- 2.10 All employees, who are either raising a grievance, or the subject of grievance, have a right to be accompanied by a Trade Union Representative or work colleague at all formal stages of the policy. (Please refer to the role of companion procedure for further details). Any reasonable request by an employee to bring a Trade Union representative at the informal stage, will be considered where it may help the employee to raise their grievance. An employee may withdraw from the policy at any stage.
- 2.11 If the grievance relates to the immediate line manager, the matter should be referred to the next most senior manager in the line management relationship, or someone completely independent where appropriate.
- 2.12 If the grievance is against the Chief Executive, it should be sent to the Clerk to the Corporation, and will be heard by a member or a committee of the Corporation.

3 Grievance Stages

There are different stages to the grievance process at informal and formal level.

3.1 Informal Stage

- 3.1.1 If an employee has a grievance relating to their employment, the matter should be raised initially with the employee's manager. The grievance should be raised orally in the first instance. In the event that the grievance relates to the manager who would normally deal with the grievance at the informal stage, concerns should be raised verbally with the relevant Senior Manager.
- 3.1.2 The Manager will take appropriate steps to resolve the grievance as quickly as possible and in a timely manner.
- 3.1.3 The Manager shall enquire into the grievance and will discuss it with the employee. A written record of the outcome will be provided to the employee and a copy kept by the Manager. It is anticipated that most grievances will be resolved at this stage.

Possible Manager / Employee Guidance for informal meeting:

- Employee make it clear it's a grievance,
- Manager make a diary note of the date and time

- Employee outline the reason for the grievance - what happened, who was involved, when, where etc.
 - Manager will ensure the reasons for and facts behind the grievance are gathered
 - Manager establish what could be done to resolve the grievance and if appropriate agree a course of action
 - Manager explain to the member of staff what will happen next (i.e. an investigation) and that they will receive a response
 - Manager will discreetly investigate the grievance in a timely manner, collating any relevant documentation and interviewing any witnesses (if appropriate)
 - Manager will respond to the employee giving the outcome
- 3.1.4 The manager who has dealt with the informal grievance must inform a member of HR about the grievance and how it has been resolved. A copy of the written outcome will be provided to HR for the employee file.
- 3.1.5 Due consideration will be given to mediation as a way to resolve the matter, where appropriate. The process is voluntary and must be in agreement with all parties concerned. However should mediation fail to resolve the grievance then this does not detract from the employee continuing with the grievance process.

3.2 Formal Stage

- 3.2.1 If the employee feels that the matter has not been resolved through informal discussion, or in the event that the matter is more serious, it may be appropriate to go straight to the formal stage. Whether or not the latter is appropriate will be decided by the Director of HR or in their absence the HR Business Partner, upon receipt of a formal grievance request.
- 3.2.2 The grievance should be put in writing (using the form attached in appendix 1). The written grievance should outline the complaint, the desirable resolution and the reasons why the employee has been dissatisfied with the informal stage. The grievance should provide full details of the complaint and should be addressed to the HR department. If the grievance relates to a member of the HR team, the HR Director will deal with the matter. If the grievance relates to the HR Director, it will be investigated by the Chief Executive. The grievance will be assigned an appropriate Investigating Officer and HR Advisor.
- 3.2.3 The RNN Group will, as soon as possible and ideally within five working days, but no longer than ten, of receipt of the written grievance arrange a grievance meeting with the employee raising the grievance.
- 3.2.4 The employee may be accompanied at the meeting by a trade union representative or work colleague. The employee should be reminded of the right to be accompanied prior to a grievance meeting.
- 3.2.5 Where the grievance is about another employee, they will have the right to be accompanied at their meeting by a trade union representative or work colleague. The employee should be reminded of the right to be accompanied prior to this meeting.
- 3.2.6 A member of HR will attend the grievance meeting and investigation meetings to act as advisor and minute taker. Investigation meeting notes will be sent to the individual to agree and sign.
- 3.2.7 Any Supportive Measures requested will be considered as per the Supportive Measures Statement document.
- 3.2.8 The investigation should be completed soon as practicable, preferably within 15 working days from the date the investigation starts. Investigations will involve:

- Clarifying the allegations;
- Enquiring into the circumstances surrounding the allegations made;
- Taking witness statements as appropriate;
- Gathering factual information;
- Producing an investigation report with findings and outcomes;
- Communicating this to the employee

3.2.9 The decision will be communicated in writing to the employee/both parties as soon as reasonably practicable following the initial; grievance meeting. The letter to the employee will outline, where appropriate, what action is to be taken to resolve the grievance, and will also inform them of the right to appeal. Where the decision is to not uphold the grievance, the manager will explain the reasons for this in the letter. Any other parties involved in the grievance will also be updated as appropriate.

3.3 Appeal Stage

3.3.1 If the grievance is not resolved to the satisfaction of the employee at the formal stage, they may choose to appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Director of HR within 8 working days of receipt of the decision reached.

3.3.2 The appeal policy will then be followed.

4 Other Circumstances

4.1 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 case are related it may be appropriate to deal with both issues concurrently.

4.2 All genuine grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise concerns without just cause and with the intent of causing distress to others. Use of the grievance policy to raise inappropriate complaints or complaints that the RNN Group believes are vexatious or malicious could result in disciplinary action being taken against the complainant.

4.3 Employees who wish to report a grievance, which they believe, could disclose criminal activities within the RNN Group such as fraud, malpractice or corruption should report the matter utilising the RNN Group Whistleblowing Policy.

4.4 It is recognised that going through a grievance process may be difficult for an employee, every effort will be made to support all parties in this process.

5 Related Documentation

Disciplinary Policy & Procedure
 Capability Policy & Procedure
 Suspension Policy
 Appeals Policy
 Formal Hearing Procedure
 The role of companion statement
 Supportive Measures Statement

Appendix 1 – Grievance Form

Employee Name:

Department:

Managers name:

Date:

Part 1a: Nature of grievance

Please select from the below:

- Terms and conditions of employment
- Working conditions
- Unfair treatment
- Work relations
- Other
- Bullying and harassment
- Working hours
- Health and safety
- Equal opportunities

Part 1b: Details of issue: (please continue on a separate continuation sheet if required)

Have you informally discussed this with your manager (or your supervisor)? Yes/No
Please give detail below.

If no please indicate why not.

Part 2: Have you considered how you would like your grievance to be resolved?
Please give details.

Signed:

Date: