

Grievance Procedure

This document is relevant to:	
Staff	✓

Purpose

To explain grievance procedures to be followed by staff.

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1. Principles

The Grievance Procedure applies to all employees of Dorset Mind. It exists to ensure that problems at work are solved as quickly and as fairly as possible. It is intended that both Dorset Mind and its employees should view the use of this procedure in a constructive light.

The aim of the Grievance Procedure is to settle grievances fairly and it is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made to settle the issue amicably in order to avoid proceeding to the next stage.

In the case of a grievance being taken out as a counter-grievance, or in response to the instigation of disciplinary action, it may be appropriate to deal with both issues concurrently. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

If an employee has a problem with another, and is unable to sort it out informally, the matter should be referred to his/her immediate supervisor/line-manager. You may be able to agree an informal solution between you. In some cases, this may also involve assistance such as mediation.

If the problem is serious or remains unresolved or the individual wishes to raise the matter formally, the employee can invoke the formal grievance procedure.

At each stage of the procedure, there will be at least one meeting to discuss the grievance. At each stage of the procedure an individual is entitled to be accompanied by a work colleague of his/her choice or a trade union representative who has been certified as competent to accompany him/her.

The date and time of (any) grievance hearing(s) will be agreed between the individual, his/her companion and the representative of management.

The employee and his/her companion will be allowed an adequate time to prepare the individual's case, within the time limits as set out below.

2. The Procedure

A grievance should be raised without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.

In all cases and at all stages, the individual must detail in writing the specific circumstance or circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable. Individuals should stick to the facts and avoid insulting or abusive language.

The procedure has three stages as set out below. At each stage of the procedure formal records shall be kept, and the result of each stage will be confirmed in writing. The individual is encouraged to keep his/her own records, and is entitled to record his/her disagreement as to the accuracy of the formal records or of the result.

At each stage of the Grievance Procedure the person or panel hearing the case will undertake a full investigation and there will be a hearing, to allow the individual to put his/her case and state how they would like to see it resolved.

The stages of the procedure are as follows:

Stage I

Any grievance should first be raised in writing with the immediate supervisor/ line-manager who should attempt to settle it as soon as possible. S/he will invite the individual to attend a meeting, normally within ten working days, to discuss the matter. The line-manager will hold any additional meetings as would, in her/his view, assist to resolve the grievance. The line-manager may adjourn the meeting if it is necessary to investigate any new facts that arise.

If the grievance is against the immediate supervisor/line-manager, the matter should be raised with the Chief Executive (or with the supervisor's line-manager if different). Whoever deals with the grievance at this stage, will be excluded from hearing the case at any later stage.

Stage II

If not resolved by the line-manager within ten working days, the matter may be raised with the Chief Executive. The grievance should be set out in writing, dated and sent to the Chief Executive. The Chief Executive will call a hearing which should normally take place within ten working days of the matter being formally raised. The Chief Executive will ensure that a note taker is present. See conduct of the hearing in paragraph 8 below.

Where the Chief Executive has dealt with the grievance under Stage I, the matter will be heard under Stage III below.

Stage III - Appeal

If still unresolved, the matter may be referred, in writing, to the Board of Trustees (through the Chair of Trustees), and either the Chair of Trustees or one or more Trustees will hear the appeal. The Trustee or Trustees hearing the appeal should, if at all possible, have had no direct involvement in the case. The Panel will ensure a note taker is present.

The Appeal Panel will hold a hearing as soon as possible, which should normally take place within fifteen working days from the receipt of the formal notification from the individual.

The decision of the Appeal Panel shall be final.

3. Group Grievance

Where a group of individuals has a collective grievance the procedure should start at Stage II above.

4. Review

This procedure may be reviewed and altered from time to time as appropriate and any changes will be notified to employees.

5. Grievance Hearing – Stage I and II

- (i) The Supervisor/Line Manager or Chief Executive must convene a grievance hearing normally within ten working days of receiving the employee's written grievance.
- (ii) The Supervisor/Line Manager or Chief Executive will introduce the meeting, read out the grounds of the individual's grievance, ask the individual if they are correct and require the individual to provide clarification regarding details of the grievance if unclear.
- (iii) The individual/companion will be given the opportunity to put forward her/his case and say how they would like to see it resolved. The individual/companion may call witnesses and refer to any documents previously provided to the line manager.
- (iv) The Supervisor/Line Manager or Chief Executive may question the individual and any of the individual's witnesses.
- (v) At Stage II, the Chief Executive and the individual/companion may question the line-manager who dealt with Stage I of the procedure.
- (vi) The individual/companion will be given the opportunity to sum up but may not introduce any new material.
- (vii) The Supervisor/Line Manager or Chief Executive will adjourn the hearing and give due consideration to the case. S/he may need to seek technical and professional advice and information from internal and external sources as appropriate (e.g., advice and information on

employment law or Dorset Mind's HR policies and procedures, etc.). The Supervisor/Line Manager or Chief Executive may adjourn the hearing for up to fifteen working days.

- (viii) The hearing may be adjourned by the Supervisor/Line Manager or Chief Executive if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.

Having considered the case, the Supervisor/Line Manager or Chief Executive will give her/his decision regarding the case in writing to the individual which will normally be within five working days. If appropriate, the decision will set out what action the individual intends to take to resolve the grievance or if the grievance is not upheld, will explain the reasons. S/he will also inform the individual of her/his right of appeal, which must be made to the Chair of the Board of Trustees within ten working days of receipt of the written decision.

6. Appeal Hearing – Stage III

- i) The Board of Trustees will create an Appeal Panel as set out under section 2, Stage III – Appeal above. An Appeal Hearing will be held as soon as possible, but normally not later than fifteen working days from the receipt of the formal notification from the individual.
- ii) The Chair of the Appeal Panel will introduce the meeting, read out the grounds of the individual's appeal, ask the individual if they are correct and require the individual to provide clarification if any of the grounds of appeal are unclear.
- i) The individual/companion will be given the opportunity to put forward her/his case, explain why s/he is not satisfied with the outcome at Stage II. The individual/companion may call witnesses and refer to the Chief Executive's written decision and any other documents circulated prior to the appeal hearing.
 - ii) Members of the Appeal Panel may question the individual and any of the individual's witnesses.
 - iii) Members of the Appeal Panel and the individual/companion may question the Chief Executive who dealt with Stage II of the procedure.
 - iv) The individual/companion will be given the opportunity to sum up but may not introduce any new material.
 - v) The Chair of the Appeal Panel will adjourn the hearing and the Panel will give due consideration to the case. It will be acceptable for the Chair of the Appeal Panel, on behalf of the Panel, to seek technical and professional advice and information from internal and external sources as appropriate (e.g. advice and information on employment law or Dorset Mind's personnel policies and procedures, etc.). The Chair of the Appeal Panel may adjourn the hearing for up to fifteen working days.
 - vi) The hearing may be adjourned by the Chair of the Appeal Panel if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.
 - vii) Once the Appeal Panel has reached a decision, the Chair of the Appeal Panel will confirm the Appeal Panel's decision in writing within ten working days.

The decision of the Appeal Panel will be final.

7. Records

Records should be kept detailing the nature of the grievance raised, Dorset Mind's response, any action taken and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998 which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.

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Consult the Chief Executive for the latest version of this procedure.

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Reviewers

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