

# GRIEVANCE POLICY

**Document History:**

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**This policy was approved on 10/08/2011 and will be reviewed within one calendar year.**

Set out below is Woking Mind Grievance procedure. This is based on the ACAS Code of Practice on Discipline and Grievance, updated in April 2009. Woking Mind employees and volunteers are expected to abide by Woking Mind rules and policies and the following procedure should be used if employees or volunteers wish to raise a grievance about any aspect of their employment.

**The formal parts of the procedure must be followed in full. Should we be unable to resolve your grievance and the dispute reaches tribunal, financial penalties can be incurred if either party has failed to follow the procedure.**

## **1. Purpose**

Woking Mind aim is always to encourage employees to have an open and honest relationship with their line manager and colleagues and to raise any concerns about any aspect of their employment in an appropriate manner. This procedure should be used to settle all disputes or grievances which you may wish to raise concerning other employees or volunteers, your work, the organisation or other matters relating to your employment. The purpose is to settle any grievance fairly, simply and quickly.

## **2. Grievance Procedure**

### **2.1 Raising a grievance informally**

- 2.1.1 If your grievance concerns a fellow employee or volunteer, you should if possible first discuss and try to resolve it between you.
- 2.1.2 If this does not resolve the matter or you feel unable to discuss it with the individual concerned, you should refer it to your line manager, a note will be put on your file and the Manager will be informed. If you wish this to be investigated formally, you must set out your grievance in writing and provide a copy of this statement to your line manager. If your grievance concerns the Trustee then you should contact the Chair of the Trustees.
- 2.1.3 In all instances where the grievance concerns your employment rather than another employee, you should first discuss the matter at your supervision session. If you wish this to be investigated formally, you should set out your grievance in writing and provide a copy of this to your line manager.

### **2.2 Raising a grievance formally**

- 2.2.1 Unless there is a good reason for not doing so, a grievance should generally be raised within one month of the incident to which it refers.
- 2.2.2 If you are concerned about the activities of the organisation, whether malpractice or unlawful actions, you should immediately raise your concern with the Manager. The nature of your concerns should be set out in writing and a copy provided to the Manager.
- 2.2.3 If you are unable to resolve the matter informally through the supervisory process or if the grievance concerns your line manager's handling of your grievance, you should raise it with a Trustee.
- 2.2.4 In order to set in motion the formal grievance procedure, you must set out the basis of your complaint in writing and send a copy to the nominated Trustee.

### **3. Responding to your grievance**

#### **3.1 Acknowledging your Complaint**

3.1.1 Once your written grievance has been received, you will be given a written acknowledgement within 5 working days together with an invitation to a meeting to discuss the issues raised.

#### **3.2 Arranging a Meeting**

3.2.1 This meeting will be arranged as soon as is practicable and will generally be within two weeks of Woking Mind receiving your written grievance. You should take all reasonable steps to attend this meeting. **Woking Mind will try to ensure that the meeting is held at a time and in a place which are convenient for you. If you have a disability or special needs we will take account of these when arranging the meeting.**

Notes of this meeting will be made and a copy given to you.

3.2.2 In order to investigate your grievance thoroughly it may not always be possible to give a complete reply within this timeframe. If this is the case you will be given a further meeting date as soon as is reasonably practicable.

3.2.3 You must make every effort to attend this meeting and, if you wish, you may be accompanied by a trade union representative or a work colleague.

3.2.4 Where your grievance concerns your employer's failure to comply with a contractual or statutory duty, you have the right to request postponement of the meeting for up to five working days if your chosen companion is not available.

#### **3.3 At the Meeting**

3.3.1 The panel will consist of the nominated Trustee. If the grievance concerns the Manager, the panel will consist of one Honorary Officer and one Trustee.

3.3.2 You are entitled to address the meeting to explain your case. Your companion is allowed to make a statement at the hearing, discuss matters with you but not to answer questions on your behalf.

#### **3.4 The Decision**

3.4.1 The decision of the panel will be given to you in writing no later than 14 working days from the meeting.

3.4.2 If the panel require additional time to investigate your grievance this will be notified to you in writing and a date given by which you can expect a reply.

### **4. Appeal**

#### **4.1 How to Appeal**

4.1.1 If you are dissatisfied with the decision of the panel you may appeal. To do so you should write to the Chair within 14 days of receiving the decision of the panel specifying the issues you wish to appeal.

4.1.1 The Chair will acknowledge your appeal request within **5** working days with an invitation to attend an Appeal Panel.

4.1.2 You must take all reasonable steps to attend this meeting to present your case and, if you wish, you may be accompanied by a trade union representative, friend or a work colleague.

## **4.2 The Appeal Meeting**

- 4.2.1 The Appeal Panel will consist of the Chair and two Trustees. Every effort will be made to ensure that the appeal will be heard by Trustees who have not previously been involved in the process. However this may not always be practicable.
- 4.2.2 You are entitled to address the meeting to explain your case. Your companion is allowed to make a statement at the hearing, discuss matters with you but not to answer questions on your behalf.

## **4.3 The Decision**

- 4.3.1 The decision of the Appeal Panel will be given to you in writing as soon as reasonably practicable following the meeting normally no later than 14 working days.
- 4.3.2 The decision of the Chair is final and there is no further right of appeal within Woking Mind.

## **5. Next Steps**

- 5.1 If you are still dissatisfied with the decision of the Appeal Panel, you have the right to take your case to an employment tribunal. Information on how to do this can be obtained from Citizens Advice Bureaux. Volunteers can seek advice from the Volunteer Manager at Woking Association of Voluntary Services.

## **6. Whistleblowing**

Woking Mind encourages staff and volunteers to have an open and honest relationship with Woking Mind and to raise concerns about any aspects of the organisation in an appropriate manner. The Public Disclosure Act 1998 was established to ensure employees are not subject to detriment as a result of making a protected disclosure.

### **6.1 Protected Disclosures**

Certain kinds of disclosure qualify for protection. Qualifying disclosures are disclosures of information, which the employee reasonably believes tend to show one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- a criminal act
- a failure to comply with a legal obligation
- a miscarriage of justice
- danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of information tending to show any of the above 5 matters

It will be considered unlawful for a worker to be dismissed or subject to detriment as a result of making such a disclosure.

## **6.2 Unprotected Disclosures**

In those cases where the employee chooses to disclose information in ways not stated by the Act the protection will disappear. These cases are the following:

- The person making the disclosure commits an offence by doing so (e.g. if disclosure was prohibited under the Official Secrets Act)
- The information was given to the employee/ volunteer/ trustee in the context of obtaining legal advice

## **6.3 Procedure for making disclosures**

### **6.3.1 Internal procedure**

- Staff/ volunteers are asked to raise any areas of concern about the organisation with a Trustee or where the matter concerns the Trustee with the Chair.
- The Trustee/ Chair will arrange a meeting as soon as possible in order to discuss the area of concern.
- An investigation will take place in order to establish the facts.
- The Trustee/ Chair will write to the member of staff/ volunteer with his/her findings.

### **6.3.2 External procedure**

If staff/ volunteers feel unable to make their disclosure internally, they can make an external disclosure and be protected if they:

- make the disclosure in good faith, and believe it to be true
- do not make the disclosure for personal gain and act reasonably in raising the matter
- believe they will be subject to a detriment or dismissal by raising the issue
- believe that the evidence will be destroyed or concealed if the issue is raised internally
- have previously raised the issue internally and no action has been taken
- External disclosures can be made to the appropriate bodies authorised by the Secretary of State which are listed on the webpage below:-  
[http://www.dti.gov.uk/employment/employment-legislation/employment-guidance/page16186.html#appendix\\_1](http://www.dti.gov.uk/employment/employment-legislation/employment-guidance/page16186.html#appendix_1)