



## GRIEVANCE POLICY

### 1 Purpose and scope of the procedure

- 1.1 The purpose of the grievance procedure is to ensure that, as far as possible, grievances are dealt with and resolved informally through discussion between the aggrieved employee/volunteer and their line manager. Grievances are concerns, problems or complaints raised by an employee/volunteer and must be made in writing. However, before using the grievance procedure it is expected that an employee/volunteer will try to resolve their complaint informally if at all possible. The formal stage of the procedure should only be used when the informal stage has failed to resolve the issue or is not making progress at reasonable speed.
- 1.2 In appropriate cases WPCS may offer facilities for mediation.
- 1.3 This procedure applies to all WPCS employees and volunteers.
- 1.4 This procedure takes account of the ACAS code of practice on grievance procedures and will be reviewed periodically, in line with developments in good practice.

### 2 Principles of the procedure

- 2.1 The procedure is based on the following principles:
  - an employee/volunteer has the right to be accompanied by his/her trade union representative or work colleague at every stage of the formal procedure. The procedure is internal to WPCS and apart from external trade union representatives, does not allow for any external representation
  - any grievance must be made in writing as soon as possible and in any case within one month of the act that is being complained of
  - it is only possible to hear complaints that are within the power of WPCS to remedy
  - all proceedings, whether informal or formal, should, so far as is practicable, remain confidential
  - a formal record of a hearing will be available to the employee/volunteer. The hearing will be recorded and a copy given to the employee/volunteer.
  - after the meeting your employer should, without unreasonable delay, write to you with their decision. They should set out, where appropriate, what action they intend to take to resolve the grievance.
- 2.2 The timescales set out may be extended with the agreement of the parties where more than one employee/volunteer has lodged a complaint relating to the same, or substantially the same, issue; the complaints may be dealt with together in the interests of fair and consistent decision-making.
- 2.3 If the employee/volunteer's grievance restates a complaint with which WPCS is already dealing, or with which it has dealt in the past, the employee/volunteer will be asked to explain how the new grievance differs from the previous one, and either what new incident has occurred or what new evidence has come to light. Where it is clear that there is nothing new being raised, WPCS can reject the grievance without a hearing.

- 2.4 Deliberately false or malicious grievances will be treated as matters of misconduct and will be investigated in line with the Disciplinary policy and procedure.
- 2.5 Grievances raised while an employee/volunteer is subject to disciplinary proceedings will be heard when the disciplinary process has been completed. If the grievance has any bearing on the disciplinary proceedings, it can be raised in the course of those proceedings.

### **3 Informal stage**

- 3.1 If an employee/volunteer has a complaint that involves another employee/volunteer or other employee/volunteers, they should first of all try to resolve the matter by direct approach to the employee/volunteer or employee/volunteers involved.
- 3.2 If the matter remains unresolved, the employee/volunteer may request a meeting with their Regional Organiser who will try to resolve the issue. The meeting should be held within 10 working days of the submission of the request.
- 3.3 If, after any action to resolve the grievance taken by the Regional Organiser, the employee/volunteer is still dissatisfied, they may proceed to the formal stage of the procedure.
- 3.4 If the complaint is against the Regional Organiser or there is another acceptable reason why the employee/volunteer does not wish to raise it with their Regional Organiser they should seek advice from the Chief Executive on how to deal with the complaint.

### **4 Formal stage**

- 4.1 If the complaint has not been resolved at the informal stage and the employee/volunteer wishes to proceed to the formal stage, the employee/volunteer may do so and the complaint will be heard by a panel. The employee/volunteer must set out in writing the nature of their complaint and the reasons why they are dissatisfied with the outcome of the informal stage. The employee/volunteer should explain how they think it should be settled. This must be submitted to the Chief Executive. Grievances raised against the Chief Executive should be submitted to the Chair to the board of Trustees. In all cases a copy of the grievance should be sent to the Chair to the board of Trustees.
- 4.2 Should the complaint relate to a process or decision, the Chief Executive will appoint an appropriate investigating person who will be asked to provide a full written report together with any relevant documents. The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered. A timescale for this will be agreed between the employee/volunteer and the Chief Executive.
- 4.3 Should the complaint be against a named individual or individuals, the Chief Executive will give them a copy of the complaint at the earliest opportunity and invite them to respond.
- 4.4 The panel will normally consist of the Chief Executive, a Regional Organiser, a board member and an HR adviser. Grievances submitted by Regional Organisers or the Chief Executive will be heard by the Board of Trustees. Where possible, there should be a gender balance on panels. WPCS will make every attempt to ensure that the hearing will be held within 10 working days of receipt of the investigating person's report, or within 10 working days of the complaint being received if it is against an individual. The employee/volunteer will be given five working days' notice that the hearing is to be held.

The employee/volunteer may request an alternative date to allow up to an additional five working days if their representative is unavailable. If, following a reasonable attempt to rearrange the hearing, the employee/volunteer is still unable to attend, they may send a representative, or the hearing may be held in their absence.

- 4.5 The complainant should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their Regional Organiser -and/or the chair of the panel - if the grievance is against their Regional Organiser, as soon as possible. If they fail to attend without explanation, or it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.
- 4.6 Any relevant written information or evidence must be made available to all parties at the earliest opportunity and, in any case, two working days before the hearing.
- 4.7 All parties involved will be allowed to attend and make representations at the meeting. Witnesses may be called.
- 4.8 Refusal of either party to attend shall not invalidate the proceedings.
- 4.9 The panel, in seeking to resolve the complaint, may adjourn the meeting or defer a decision if more information is required.
- 4.10 The decision of the panel, reasons for that decision and any redress will be communicated to the employee/volunteer who has made the complaint. Where the complaint is against an individual, both parties will be given a copy of the decision. This will be handed to the employee/volunteer whenever possible or posted directly by recorded delivery to the employee/volunteer within three working days of the hearing and to the employee/volunteer's representative, where applicable.
- 4.11 Failure to meet the requirements of redress set out by the panel will result in the invocation of the Disciplinary policy and procedure, unless an appeal has been lodged .

## **5 Right of appeal**

- 5.1 Should the complainant wish to appeal against the decision of the panel they must do so, in writing, to the Chief Executive (or to the Chair of the Board if the grievance was heard by Board members) within five working days of being informed of the decision.
- 5.2 A request for an appeal must specify the grounds of the appeal preferably under one or more of the following headings:
- the nature of any redress
  - the finding of the hearing on a point of fact which is pertinent to the decision of the hearing
  - a failure to adhere to the published procedure.
- 5.3 A member of the original panel will attend to present their findings and reasons for their decision. The employee/volunteer and the management representative presenting the case should use the guidance attached at Annex 1 and Annex 2 as best practice for the presentation of their respective case statements. Witnesses may be called.
- 5.4 The appeal will be heard by the Chair to the Board or nominated deputy and another manager with an independent HR adviser. An appeal to a grievance raised by a Regional Organiser will be heard by members of the Board. An appeal to a grievance raised by the Chief Executive will be heard by the Chair of the Board and a further member of the Board. The appeal panel members, the employee/volunteer and the management representative should receive the written cases five working days before the hearing. The format of the appeal hearing will depend upon the nature of the appeal. If it is a re-hearing it will follow the format at Annex 1. The employee/volunteer will be given five working days' notice that the hearing is to be held. The complainant may request an alternative date to allow up to an additional five working days if their representative is unavailable. If following a reasonable attempt to rearrange the hearing, the employee/volunteer is still unable to attend, they may send a representative, or the hearing may be held in their absence.

- 5.5 The complainant should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their Regional Organiser as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.
- 5.6 The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which the employee/volunteer is dissatisfied in relation to the original grievance. The chair of the panel may therefore confine discussion to those specific areas, rather than reconsider the whole matter afresh.
- 5.7 The panel will hear all or part of the previous hearing depending upon the nature of the appeal. The panel has the scope to:
  - uphold all or part of the previous decision
  - not uphold the previous decision.
- 5.7 If the panel decides either to uphold only part of the previous decision or not to uphold the previous decision, it may at its discretion substitute an appropriate remedy of its own choosing.
- 5.8 Within three working days of the appeal the panel will record the decision and hand it to the employee/volunteer wherever possible, otherwise it will be posted directly by recorded delivery.
- 5.9 Any recommendations made by the panel will be notified to the appropriate individuals, and will be time bound. Failure to meet the requirements of the panel will result in the invocation of the Disciplinary policy and procedure.
- 5.10. The decision of the appeals panel is final.

## **ANNEX 1**

### **FORMAT OF THE FORMAL GRIEVANCE / GRIEVANCE APPEAL HEARING**

- 1.1 The panel shall be responsible for the proper conduct of the hearing, which shall be conducted on a formal basis.
- 1.2 The chair of the panel will conduct the introductions of those present and confirm the names of any witnesses who may be called. The chair of the panel will ensure that all parties understand the nature of the complaint and ask the employee/volunteer who is bringing the complaint to say how they think it should be settled.
- 1.3 The panel shall order the proceedings as follows:
  - Ask the employee/volunteer to present their case allowing the investigating person or respondent to ask questions after the presentation has been completed. The employee/volunteer may call witnesses or refer to documents previously circulated and necessary for the hearing.
  - While the complainant will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to the complaint. The chair of the panel will intervene if he/she thinks that the discussion is straying too far from the key issue. The chair may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and the complexity of the complaint.
  - Ask the investigating officer or respondent to respond to the case, allowing the employee/volunteer to ask questions after the presentation has been completed. The investigating officer or respondent may call witnesses or refer to documents previously circulated and necessary for the hearing.
  - The panel may ask questions on points of clarification at any time and may call witnesses. Questions shall be put to each party after it has presented its case.
  - If either party wish to present evidence not previously circulated the hearing may be adjourned to allow the other side to consider it.
  - Allow the employee/volunteer and then the investigating officer or respondent the opportunity to sum up their cases. Neither party may introduce new matters in their summing up.
- 1.4 The panel adjourns to consider its decision, which shall be given as soon as possible after the hearing, but in any case within three working days of the hearing.
- 1.5 At the same time the employee/volunteer shall be advised of their right to appeal against the decision.

## **ANNEX 2**

### **GUIDANCE FOR APPEAL DOCUMENTATION**

#### **Employee/volunteer**

- 1 Grounds of appeal
- 2 Case statement, which should include as appropriate:
  - introduction explaining the reasons for appealing
  - summary of case
  - outcome sought
  - appendices

#### **Management**

- 1 Response to grounds of appeal 9
- 2 Case statement, which should include as appropriate:
  - introduction, background to the case, processes followed on calling the original hearing, how the decision was arrived at
  - summary of case
  - recommendations
  - appendices