

## Durham SU Grievance Policy & Procedure

<b>Policy Name:</b>	<b>Grievance Policy &amp; Procedure</b>		
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### Grievance Policy & Procedure Statement:

Durham SU recognises that effective relationships and partnerships between members, officers and staff are vital to the success and wellbeing of the organisation. It is important though to have clear policies in place to govern and manage these relationships, ensuring that expectations are clear of all parties.

## **1. Purpose and Scope**

- 1.1 The aim of this policy is to settle a concern, problem or complaint fairly, promptly, in as objective a way as possible and as near as possible to the source of the grievance.
- 1.2 Durham SU believes that all employees should be treated fairly and with respect. If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your line manager, who will attempt to resolve the situation on an informal basis. If you feel unable to approach your line manager directly, you should approach the Director of Learning who will discuss ways of dealing with the matter with you.
- 1.3 Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure.

## **2. Principles**

- 2.1 All parties involved should act in good faith to seek a successful resolution of the grievance at as early a stage as possible.
- 2.2 Everyone involved in the process is entitled to be treated calmly and with respect. Durham SU will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure
- 2.3 An employee raising a grievance has the right to have the concern investigated and handled appropriately and meetings, decisions and confirmation of decisions will not be unreasonably delayed.
- 2.4 The individual against whom the grievance is made ('the respondent') has the right to respond to the allegations. The person raising the grievance is referred to as 'the complainant'.
- 2.5 At all stages of the formal process, employees have the right to be accompanied to any grievance meeting by a work colleague (not acting in a legal capacity).
- 2.6 An employee will have the right to appeal against the findings of a formal grievance.
- 2.7 Use of a third party to help resolve the problem, whether internal or external, may be considered where appropriate.
- 2.8 Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

- 2.9 Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

### **3. Mediation**

- 3.1 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

### **4. Representation**

- 4.1 Complainants have the right to be accompanied by a fellow worker (not acting in a legal capacity) at any grievance meeting or subsequent appeal.
- 4.2 The choice of companion is a matter for the complainant. Please note that individual workers are not obliged to agree to accompany complainants. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.
- 4.3 At any hearing or appeal hearing, any chosen companions will be allowed to address the meeting, respond on the complainants behalf to any view expressed in the hearing, and sum up the case on their behalf. However, both the hearing and appeal hearing are essentially meetings between Durham SU and the complainant, so any questions put directly to them should be dealt with by the complainant and not their companion.
- 4.4 Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that complainants can propose an alternative time within five working days of the scheduled date.

## 5. Record keeping

- 5.1 Records of grievances will be treated as confidential and will be held on the employee's staff record in accordance with the Data Protection Act 1998.
- 5.2 Records held include:
- the nature of the grievance
  - what was decided and actions taken
  - the reason for the actions
  - whether an appeal was lodged
  - the outcome of the appeal
  - any subsequent developments
- 5.3 Copies of meeting records will be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) some information may be withheld to maintain confidentiality.

## 6. Formal Grievance Process

- 6.1 Employees should try and resolve any complaints informally as the first stage, however, if an informal resolution cannot be found then the formal grievance procedure will apply.
- 6.2 The first stage of the formal grievance procedure is for the employee to put their complaint in writing to the Director of Learning. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that the employee sets out clearly the nature of their grievance and indicates the outcome that they are seeking. If a grievance is unclear, employees may be asked to clarify their complaint before any meeting takes place.
- 6.3 Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the complainant is not satisfied with the outcome, they may insist on the matter proceeding to a full grievance hearing.
- 6.4 Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by the complainant, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, the complainant will be given a copy long enough in advance of the hearing for them to consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to

the complainant and an appropriate summary of the evidence gathered will be given to them.

- 6.5 The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within five working days of the receipt of the written complaint. It will be conducted by the Director of Learning and attended by a manager. At the meeting, complainants will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.
- 6.6 Complainants 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 line manager 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.
- 6.7 Following the meeting, complainants will be informed, in writing, of the outcome within five working days and told of any action that Durham SU proposes to take as a result of their complaint. If it is not possible to contact the complainant within this timescale then they will be given a full explanation for the delay and will be informed when a response can be expected.
- 6.8 If the complainant is dissatisfied with the outcome, they may make a formal appeal.

## **7. Formal appeal stage**

- 7.1 A formal appeal should be made in writing to the CEO. Complainants should clearly state the grounds of their appeal, i.e. the basis on which they say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within seven working days of the written notification of the outcome of the grievance.
- 7.2 Within ten working days of the CEO receiving your written grievance a meeting will be arranged to discuss your concerns.
- 7.3 Complainants 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 line manager of this 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.

- 7.4 Following the appeal meeting, the Designated Person may carry out any investigations that may be necessary. Complainants will be informed, in writing, of the outcome within ten working days, wherever possible. If it is not possible to contact them within this timescale then they will be given a full explanation for the delay and will be informed when a response can be expected.
- 7.5 The outcome of this meeting will be final. If complainants remain dissatisfied they may refer the matter to the final appeal stage.

## **8. Final appeal stage**

- 8.1 As with the first appeal, complainants should put the grounds of their appeal in writing and send this to the Board of Trustees. An appeal hearing will be arranged with the Chair of the Board of Trustees or a designated person from the Board of Trustees to discuss the investigation and the outcome of the appeal, and to consider any new evidence.
- 8.2 The result will be notified to the complainant, in writing, within ten working days, wherever possible. The outcome will be final and there will be no further right of appeal.