

OVER THE WALL



GRIEVANCE POLICY & PROCEDURES

POLICY STATEMENT

Every employee should be treated fairly and with respect. When this does not occur the matter should be addressed quickly and professionally via appropriate procedures.

Our Grievance Policy and Procedures provide a process to deal with staff concerns about treatment by a manager or the organisation which does not amount to bullying, harassment or misconduct.

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By:	Kevin Mathieson CEO
Status:	LIVE
Adopted:	April 2014
Review:	August 2017

GRIEVANCE POLICY & PROCEDURES

1. Introduction

- 1.1 Over the Wall 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 CEO who will discuss ways of dealing with the matter with you.
- 1.2 Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which you have been treated by the organisation or managers acting on its behalf. Complaints that amount to an allegation of misconduct (including bullying and harassment) on the part of another employee will be investigated and dealt with under the disciplinary procedure and you will be informed of the outcome.
- 1.3 Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed.
- 1.4 Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.
- 1.5 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.

2. Mediation

- 2.1 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.

3. The right to be accompanied

- 3.1 You have the right to be accompanied by a fellow worker or trade union official at any grievance meeting or subsequent appeal. Over the Wall may insist on the trade union official being certified by the union as being experienced or trained in accompanying employees at grievance hearings.
- 3.2 The choice of companion is a matter for you. Please note that individual workers are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.
- 3.3 At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the employer and you, so any questions put directly to you should be dealt with by you and not your companion.
- 3.4 Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date.

4. Accessibility

- 4.1 If any aspect of the grievance procedure causes difficulty on accessibility grounds (e.g. disability or language) you should raise this with the CEO, who will make appropriate arrangements to accommodate your requirements.

5. Conducting the grievance procedure

- 5.1 Over the Wall recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The organisation 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.

6. Formal grievance procedure - making the complaint

- 6.1 The first stage of the grievance procedure is for you to put your complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.
- 6.2 Your complaint should be headed "Formal grievance" and sent to your line manager. If your complaint relates to the way in which your line manager is treating you, the complaint may be sent to the CEO.
- 6.3 Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, you 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 you, although the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these

investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

7. The grievance hearing

- 7.1 The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within 5 working days of the receipt of your written complaint. It will be conducted by your line manager and attended by another senior member of staff, or, if more appropriate, a trustee. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.
- 7.2 You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the manager conducting the hearing as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.
- 7.3 While you will be given every opportunity to explain your case in full, you should confine your explanation to matters that are directly relevant to your grievance. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your grievance. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your grievance.

- 7.4 Following the meeting, you will be informed in writing of the outcome within 5 working days and told of any action that the organisation proposes to take as a result of your grievance. You may discuss this outcome informally with the manager who conducted the hearing.
- 7.5 If you are dissatisfied with the outcome, you may make a formal appeal.

8. Appeal

- 8.1 Your appeal should be made in writing to the manager who conducted the initial grievance hearing. You should clearly state the grounds of your appeal, ie the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within 5 working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within 5 working days of the submission of your formal appeal.
- 8.2 You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the CEO of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.
- 8.3 The appeal hearing will be conducted by the CEO, or, in exceptional circumstances, another senior manager or trustee nominated by him/her, who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

8.4 Following the appeal meeting, you will be informed of the outcome within 5 working days. The outcome of this meeting will be final.

9. Review

9.1 This policy will be reviewed biennially for currency and accuracy by the CEO or individual delegated by him/her. This does not prevent any changes taking place to this policy at any other time due to changes in practice or legislation.