

GRIEVANCE AND DISPUTES RESOLUTION POLICY & PROCEDURE

Version Number	5.0
Date Revision Complete	October 2017
Policy Owner	Head of Human Resources & OD
Author	HR Manager
Reason for Revision	Update required for 3 yearly review
Data Protection	Data Protection principles have been followed in the drafting of this policy
Proof Read	Law at Work
Date Approved	November 2017
Approved by	EMT
Next Review Due	October 2020

Audience – Training and Awareness Method	No major revisions, a briefing note will be sent to Managers via Email. A copy of the Policy and Procedures will be placed on The Loop.
Effective Date	November 2017

Internal References	Whistleblowing Policy and Procedure
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External References	ACAS Disciplinary & Grievance Code of Practice 2009.
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Comments	For approval at SMT, no revisions, updating of existing policy and procedures.
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1. PURPOSE AND SCOPE

- 1.1 It is recognised that in any organisation employees may have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed. It is Blackwood's policy to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.
- 1.2 Where more than one employee holds the same grievance it is deemed to be a collective grievance and the Disputes Resolution procedure applies.
- 1.3 In circumstances where a grievance may apply to more than one person, and as Blackwood recognises a trade union, it may be more appropriate for the problem to be resolved through collective agreements between the union and Blackwood.
- 1.4 This policy applies to all Blackwood employees and to employees who have left the organisation within three months of their termination date.

2. DEFINITION OF A GRIEVANCE

- 2.1 Grievances are concerns, problems or complaints that employees raise with employers.
- 2.2 Grievances can be contained in a wide variety of written communications, for example, a letter, emails, resignation letters, in a letter from the employee's solicitor (even if a letter threatens legal proceedings) or in a flexible working request.
- 2.3 Employees do not need to set out an overly detailed statement of grievance but there must be sufficient information for the employer to appreciate that a relevant grievance is being raised.

3. INFORMAL RESOLUTION OF GRIEVANCES

- 3.1 Most routine complaints and grievances are best resolved informally in discussion with the employee's manager. Dealing with issues in this way can often lead to speedy resolution of problems. The manager should aim to resolve the matter in this manner so that there is no cause to invoke the formal grievance procedure. The manager (and employee if they wish) will keep a note of the informal meeting.
- 3.2 Where this has been unsuccessful or circumstances make this route inappropriate for the individual, then matters should be raised formally through the Grievance Procedure.

4. PRINCIPLES AND OBLIGATIONS

- 4.1 Managers and Team Leaders are required to deal with any type of complaint quickly and consistently however, matters relating to bullying or harassment or any form of discrimination must be referred directly to the Human Resources Team immediately, when Blackwood's policy on dealing with this issue will be followed.

- 4.2 Records will be kept detailing the nature of the grievance raised, Blackwood's response, any action taken and the reasons for it. These records will be kept confidential and retained in the individual's Personnel File.
- 4.3 It is the intention that the whole procedure will take no more than one month of the matter being raised.
- 4.4 Throughout the process of a grievance being dealt with, employment will continue in the same manner as before the grievance was raised. The only exception to this may be in cases which involve health and safety, or in cases of alleged bullying and harassment, where immediate action may be required. In these cases, please contact the Human Resources Team for advice and support.
- 4.5 Sometimes an employee may raise a grievance about the behaviour of a manager or colleague during a disciplinary case. Where this happens, and depending on the circumstances, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be considered.
- 4.6 An employee has the right to be accompanied at formal grievance meetings by a fellow employee, relevant trade union representative or a trade union officer.
- 4.7 To exercise the statutory right to be accompanied, employees must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. It would not, however, normally be reasonable for an employee to insist on being accompanied by a person whose presence may prejudice the hearing nor would it be reasonable to ask to be accompanied by someone from another geographical location if there was someone who was willing and available on site.
- 4.8 The Representative should be allowed to address the meeting to state the employee's case, sum up the employee's case and respond on the employee's behalf to any view expressed at the hearing. The Representative can also confer with the employee during the hearing and participate fully, including asking the witnesses questions. The Representative is not generally permitted to answer questions on the employee's behalf, or to address the hearing if the employee does not wish, or to prevent the employee from stating their case.
- 4.9 Access to all statements gathered during the investigation of the Grievance. Witnesses and statements will only be considered if they have direct relevance to the case.
- 4.10 Assistance can be provided to employees in order to state their grievance in writing if it is required. This can be provided by a Union representative, a colleague, a friend, or a member of the Human Resources Team.
- 4.11 As defined in the ACAS Code of Practice, employees' have the following obligations regarding grievance issues:
- Always seek to resolve grievances in the workplace.
 - Raise issues promptly and not unreasonably delay meetings.
 - Make every effort to attend meetings.
 - Appeal if unhappy with the outcome and provide grounds for appeal in writing.

5. THE PROCEDURE

- 5.1 Where a grievance cannot be resolved informally it should be dealt with under Blackwood's formal procedure which is described below.
- 5.2 **First Stage** – An employee should put their grievance in writing to their manager. This should state the nature of the grievance, reasons for it and any relevant supporting documentation. Where the grievance is against the employee's immediate manager the matter should be raised with their superior or a member of the HR Team. The manager should invite the employee to attend a meeting in order to discuss the grievance. This should be held within 5 working days of the matter being raised. The manager then has 7 working days within which to respond to the grievance formally in writing and, where appropriate, they should set what action the employer intends to take to resolve the grievance. If it is not possible to respond within this time, a written explanation for this will be provided to the employee with a date by which a reply can be expected.
- 5.3 **Second Stage** – If the matter is not resolved at Stage 1 the employee should raise the matter in writing with a more senior manager. This will be determined by the level of management approached during Stage 1 but may be a member of the Executive Management Team (EMT) or in certain cases the Chief Executive. Once again, the meeting to discuss the grievance should be held within 5 working days and the employee should receive a written decision within a further 7 working days. Again, if it is not possible to respond within this time, a written explanation for this will be provided to the employee with a date by which a reply can be expected.
- 5.4 **Third Stage** – Where the matter cannot be resolved at Stage 2, the employee will be able to raise their grievance in writing to a higher level of management. This may be the Chief Executive or in certain circumstances a member(s) of the Board. The timelines in relation to the meeting to discuss the grievance and the response will be as close as possible, to those in Stage 1 and 2, although practicalities of convening voluntary members of the Board may necessitate more preparation time. The employee will be kept informed of progress throughout.
- 5.5 The decision of the Chief Executive or Board Member(s) at this stage of the procedure is to be regarded as final and the procedure is therefore exhausted.
- 5.6 In some certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, an external facilitator might be able to help resolve the situation.

6. WHISTLE BLOWING

- 6.1 This is a separate policy and is not to be confused with raising a formal grievance. Public Interest Disclosure, more commonly known as Whistleblowing means drawing attention to misconduct, or illegal or unethical practices, usually, but not exclusively, to an external body, such as the Health and Safety Executive, the police or SSSC. Blackwood's policy on Whistleblowing can be found on The Loop.

7. GRIEVANCES INVOLVING A MEMBER OF THE BOARD

7.1 Principles

- 7.1.1 A grievance by an employee, where the grievance is about a member of the Board, should be dealt with quickly and consistently. The intention is to expedite the whole procedure as quickly as reasonably practicable and at least within two months of the matter being raised.
- 7.1.2 To avoid possible misunderstandings, it is not appropriate to employ the grievance procedure for matters which are already the subject of a disciplinary procedure. Where there is an issue at dispute under this grievance procedure it is not appropriate to involve the disciplinary procedure in relation to that issue.

7.2 THE PROCEDURE

- 7.2.1 The employee should raise the matter in writing, with the HR Team and the Chief Executive. The Chief Executive will then take the matter to the Chair of Blackwood (or in his/her absence with the Chair of the Audit Committee).
- 7.2.2 The Chair and Chief Executive would then seek to support the member of staff and the Board member to resolve the issue in a satisfactory manner. Where independent advice or mediation is required, the Chief Executive, in consultation with the Chair will obtain this independent support.
- 7.2.3 The Chair & Chief Executive will make whatever inquiries they consider appropriate to the circumstances of the complaint. However, during their inquiry the Chair & Chief Executive will consider the representations of both parties involved in the complaint, which will normally be in person and will meet with the parties individually and/or together as they consider appropriate.
- 7.2.4 At all times, the employee and member of the Board may ask a colleague or fellow Board member (and in the case of an employee, their union representative) to accompany them and/or assist them to make representations at any interview.
- 7.2.5 The Chair & Chief Executive will work with the employee and Board Member to reach a solution, and that final solution will be communicated to both parties in writing within 2 months of the matter being raised. The Chair & Chief Executive will report the conclusion back to the Board as appropriate.

8. DISPUTES RESOLUTION

- 8.1 A dispute is a collective grievance raised by more than one employee.
- 8.2 Where employees are in dispute with Blackwood, they should appoint a Representative to take matters forward on the group's behalf. This can be a Trade Union Representative or can simply be an Employee Representative appointed for this purpose.

- 8.3 Disputes will follow the same process as the Grievance procedure in that they should be settled at the lowest possible operational level and will follow the same stages.
- 8.4 Disputes must also be placed in writing and it should clearly state the names and job titles of the employees involved in the dispute, the name of the representative, and the nature of the dispute, detailing the points of disagreement between management and employees.
- 8.5 Should the above arrangements be unable to resolve the dispute the matter may be referred to an external party for mediation, or even to ACAS for early conciliation.
- 8.6 It is in the interests of Blackwood and its employees for disputes to be resolved as soon as possible, and the aim will be to have them resolved within 10 weeks.