

# WEB/RISC Grievance Policy and Procedure 2020

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## WEB/RISC Grievance policy and procedure 2019

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### Introduction

This procedure is non-contractual, which means WEB/RISC may alter this procedure at any time as required. If we do make changes we will let you know what they are.

RISC believes that all employees should be treated fairly and with respect. This grievance policy and procedure applies to employees only. Volunteers should consult the separate Volunteer Policy and service users should consult the separate Complaints Policy.

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. Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

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

## **Informal action**

### **For employees who are not Collective members:**

If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your Collective Supervisor, who will attempt to resolve the situation on an informal basis. If you feel unable to approach your Collective Supervisor directly, you should approach the HR Trustee, who will discuss ways of dealing with the matter with you.

### **Mediation**

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 may be the HR Trustee or another Trustee, 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. All parties will be asked to give their views on how the mediation process should work, and as far as practicable these views will be taken into account in setting up the process. If appropriate and if all parties agree, RISC may decide to appoint an external mediator to deal with the matter.

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 supervisors/collective members acting on its behalf. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure.

### **For Collective Members:**

Any Collective member who has a grievance about the way they have been treated or about their work should first discuss this with the HR Trustee who will attempt to resolve the situation on an informal basis. If appropriate and if the parties agree, this may involve a meeting between the Collective members to whom the grievance relates, with the HR Trustee and / or other Trustees. Notes will be made and any disagreements will be noted and given to the Collective members involved.

### Where informal action fails to resolve the problem

Where attempts to resolve the matter informally do not work, or if the matter is serious enough, 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, Collective members or Trustees acting on its behalf. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure. In the event that one party raises a concern informally and the other party subsequently raises a formal grievance against the first party, both matters will be investigated together in a single formal investigation.

### **Complaints against Trustees**

In the event that your complaint is against a Trustee, you should raise the matter with the HR Trustee, or, if the complaint is against the HR Trustee, with the Secretary of the Trustees or another Trustee. The formal and informal processes outlined in this policy will be followed but RISC will seek external support as appropriate, eg from ACAS, Reading Voluntary Action, or Peninsula Group, in resolving the matter.

### **Formal Grievance Procedure**

#### **Step one:**

#### ***Making the complaint***

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**.

#### **For employees who are not Collective members:**

Your complaint should be headed "Formal grievance" and sent to your Collective Supervisor. If your complaint relates to the way in which your Collective Supervisor is treating you, the complaint may be sent to the HR Trustee

#### **Collective Members**

Collective members should send their formal complaint headed 'Formal Grievance' to the HR Trustee

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.

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 some 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.

## ***Step two*** ***The grievance hearing***

The hearing will be held as soon as is reasonably practicable and normally, subject to any need to carry out prior investigations, within ten working days of the receipt of your written complaint. You will be given reasonable notice of the hearing in writing.

Who will hear the Grievance Hearing?

- For employees who are non-Collective members the Collective Supervisor and a member of Trustees will hear the grievance hearing. Unless the grievance is about the Collective Supervisor in which case two Trustees will hear the Grievance Hearing. (two Trustees will remain impartial should the appeal procedure be initiated).
- For Collective members two members of the Trustees will hear the grievance hearing (two Trustees will remain impartial should the appeal procedure be initiated).

A note-taker will also be present who may be another member of the Trustee Board or the HR Trustee.

At the hearing, 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 hearing may be adjourned to allow further investigations to take place.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. 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 complaint.

The person conducting the hearing will intervene if s/he thinks that the discussion is straying too far from the key issue. They may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

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 your Collective Supervisor/ HR Trustee 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 on the evidence available.

Following the meeting, you will normally be informed in writing of the outcome within ten working days and told of any action that the organisation proposes to take as a result of your complaint.

### **The right to be accompanied**

You have the right to be accompanied by a fellow worker, friend, or trade union official at any grievance meeting or subsequent appeal. The trade union official need not be an employee of the organisation, but if s/he is not a fellow worker or an employee of his/her union, RISC may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

Within these restrictions the choice of companion is a matter for you, but RISC reserves the right to refuse to accept a companion whose presence would undermine the grievance process. 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.

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 RISC and you, so any questions put directly to you must be dealt with by you and not your companion.

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.

### **Accessibility**

If any aspect of the grievance procedure causes you difficulty on account of any special need that you may have, or if you need assistance because English is not your first language, you should raise this issue with the HR Trustee who will make appropriate arrangements.

### **Conducting the grievance procedure**

RISC 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.

If you are dissatisfied with the outcome, you may make a formal appeal.

### **Step 3**

#### ***Appeal***

For all employees

If you wish to appeal against the decision made at the initial grievance hearing, you should apply in writing to the Board of Trustees within 5 working days of the written notification of the outcome of the grievance decision, stating the reasons for your appeal. You should head your letter with the words "Request to Appeal".

An appeal meeting will be arranged to take place usually within ten working days of the submission of your formal appeal and you will be notified of this in writing.

You have the right to be accompanied as described above.

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 relevant Trustee 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, based on the evidence available.

Two trustees not previously involved will hear the appeal meeting. They 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 Trustees conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

Following the appeal meeting, you will be informed of the outcome in writing within ten working days. The outcome of this meeting will be final.

Depending on the nature of your grievance, you may also have the right to take the matter to an employment tribunal or court for a formal legal resolution. You are advised to seek professional advice before taking such a step.