

Churches Together in South Tyneside

Grievance Procedure

ISSUE	1	2	3
DATE			

Policy and/or Procedure adopted by on:

Policy and/or Procedure Review date:

Signed:

Name:

Position:

AMENDMENT RECORD

[illegible]

Grievance Procedure

Introduction

Our Grievance Procedure is designed to ensure that any questions and problems that arise at work are quickly aired and resolved fairly and consistently. This should not replace usual employee-Project/Executive Lead dialogue. However where such informal dialogue has failed to resolve a concern, employees may refer to this procedure in an effort to have their concern satisfactorily resolved.

Grievances are concerns, problems or complaints that are work related. They may relate to action which has already been taken or which is contemplated in relation to an employee, or may include the actions of third parties such as colleagues. They may relate to a wide range of issues including terms and conditions of employment (or their perceived unfair or inconsistent application), health and safety, bullying and harassment, work relations, working environment, organisational change or equal opportunities issues. The focus of the Grievance Procedure is to achieve resolution promptly and not to apportion blame.

Grievances that are not raised, or remain unresolved, can have a negative impact on the individual, team and organisation. Employees are therefore encouraged to raise grievances as soon as possible, and will not suffer any detriment from doing so.

This procedure is non-contractual. It is designed to indicate how such matters should be dealt with within Churches Together South Tyneside (CTST) although we reserve the right to vary, replace or terminate it at any time.

Scope

This procedure applies to all employees.

Core principles

- Grievances should be raised and the procedure set out below should be followed without unreasonable delay at any stage.
- If an employee raises a grievance during a disciplinary process, we may temporarily suspend the disciplinary process in order to deal with the grievance. However, where the grievance and disciplinary issues are related, we reserve the right to deal with them concurrently.
- There is no statutory right to be accompanied at an informal meeting or investigation meeting however we will consider reasonable requests to be accompanied by a work colleague or trade union representative providing this does not unnecessarily delay proceedings.
- The Grievance Procedure should not be used for appeals against disciplinary decisions, as that is the purpose of the disciplinary appeals procedure.

- The person hearing the grievance or appeal may be accompanied by a suitable employee of CTST or an external person, who will act as a witness and take full notes of everything that is said.
- Under no circumstances should any meeting or conversation be recorded without the prior permission of all those present.
- If an employee is disabled, reasonable adjustments will be made to ensure that they are not disadvantaged in any way at a grievance or appeal meeting. This may include the provision of further assistance (e.g. a signer or other support) where necessary. Arrangements may also be made to assist an employee if English is not their first language and therefore may need an interpreter.
- To ensure that any issue raised is resolved effectively, all parties should:
 - focus on the facts and ignore rumours or hearsay
 - limit the issue to those involved and show discretion at all times
 - work only to resolve the issue and actively pursue a positive outcome
 - be honest about their own role and involvement
 - demonstrate understanding, empathy and flexibility to ensure that the other person's perspective is accommodated
 - strengthen relationships once the outcome is known and positively apply any learning points for the future.
- When considering a suitable resolution, the person hearing the grievance or appeal will consider whether similar grievances have been raised before, how they have been resolved and any follow up action that was taken.
- Notes will be made of all formal meetings held under the Grievance Procedure, with one copy being given to the employee raising the grievance and one being kept on file in accordance with our data retention protocols. Documents relating to grievances will be considered confidential, but we may need to disclose them in a TUPE transfer situation, as required by Regulation 11 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (Amended 2014).

Informal procedure

Our Grievance Procedure enables grievances to be raised and settled as quickly and as near to the point of origin as possible. Clearly many issues will, and indeed should, be resolved informally without the need for the formal procedure.

If you have a concern about your employment, before proceeding to Stage One of the procedure, below, you should try to resolve your concern(s) by discussing the matter in confidence with the individual(s) involved or your Project Lead or the Executive Lead (whoever is appropriate).

Formal procedure

If you feel that the matter has not been resolved satisfactorily through informal discussions, you should use the formal procedure set out below:

Stage One

Please set out in writing the details of the grievance, giving the full grounds for the concern(s) and details of the resolution being sought, and send this to the Project Chair. If they are implicated in the grievance you should send it to the CTST Chair.

Your letter should be dated and should state that the concern is being raised formally under our Grievance Procedure.

The Project Chair will respond to you as soon as is reasonably practicable, but ideally within 5 working days, and will arrange to meet with you to hear your grievance.

At the meeting you will be invited to state your grievance, and explain what resolution you are seeking. You have the right to be accompanied at this meeting. Full opportunity will be provided for you to present any information and answer our questions before any decision is made.

The person hearing the grievance may adjourn the meeting at any stage in order to calm a tense situation, check out facts or take advice. Such adjournments will be kept brief wherever possible in order not to hold up the resolution, but may be extended where particular information needs to be checked.

It is possible that the grievance may be resolved during the course of the meeting but, if not, the person hearing the grievance will tell you when you may reasonably expect a response.

After giving full consideration to the points you raise, and having undertaken any further investigation we consider appropriate, we will confirm the outcome to you in writing, including details of any action we intend to take to resolve the grievance.

Stage Two

If the matter is not resolved to your satisfaction, you may appeal to the CTST Chair stated in the letter communicating the outcome of Stage One.

The reasons for your appeal should be set out in writing and received by us within seven calendar days of your receipt of our letter.

We will respond to you as soon as is reasonably practicable and invite you to a meeting to discuss the reasons for your appeal. The appeal will normally be heard by two trustees who have not been previously connected with the grievance procedures, so that an independent decision can be made.

The trustees hearing the appeal will attempt to resolve the matter to the satisfaction of both you and CTST. After giving full consideration to the points you raise, and

carrying out any further investigation we consider appropriate, we will confirm the outcome to you in writing.

The decision at this stage will be final.

Investigation

On receipt of a formal grievance or appeal, the Project Chair will carry out an investigation. The investigation required will depend on the nature of the grievance. It may involve interviewing and taking statements from you and/or witnesses, or reviewing relevant written records and information. Staff are required to take part in the investigation as necessary. Where witnesses are interviewed we aim to keep their identity confidential, where appropriate, but we cannot guarantee this.

Employees who are interviewed as part of an investigation are reminded of the need to maintain confidentiality; failure on the part of employees to do so may be considered a disciplinary offence.

You will receive copies of meeting records, including copies of any formal minutes taken.

Right to be accompanied

At all formal stages of this procedure you may choose to be accompanied by either a fellow worker, a trade union representative (who must be certified in writing by the union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings) or an official employed by a trade union. You should tell the person hearing the grievance or appeal meeting in advance whom you have chosen as a companion. If you do not wish to be accompanied this will be noted.

The companion is there to act as a witness to what is said, to provide moral support and to assist and advise you in presenting your case. They may address the meeting (provided you wish this), ask questions on your behalf and confer with you but not answer questions on your behalf. The companion is also not permitted to prevent us from explaining our case. Fellow workers may not be compelled to attend as a companion.

You should make every effort to attend a grievance or appeal meeting. If however you or your chosen companion is unable to attend a meeting arranged under the formal procedure for a reason that was not foreseeable at the time the meeting was arranged, we will attempt to rearrange the meeting for a date within five days of the original scheduled date. This time limit may be extended by mutual agreement.

Discrimination

If you believe that you have been subjected to conduct or capability related disciplinary action which is unlawfully discriminatory, or you feel that the action is

being taken for reasons other than conduct or capability, you should use our Grievance Procedure rather than appealing within the Disciplinary Procedure. In such cases, the disciplinary process will normally be suspended whilst the grievance is investigated and resolved.

Bullying and Harassment

Bullying is defined as persistent behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient.

Harassment is defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, offensive or humiliating environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (i.e. related to the individual's relationship or dealings with others who have that personal characteristic). It may be persistent actions or an isolated incident, and can take many forms from relatively mild banter to actual physical violence.

It includes not only situations occurring whilst at work, but also at any time on our premises, or externally whilst attending social functions or training courses etc in the course of our employment. It also includes emails, phone calls and texts made outside of work using either our or the employee's own equipment, as well as via social media sites.

We recognise that employees may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another.

If you feel that you have been a victim of minor bullying or harassment you should, where you feel able to do so, make it clear to the perpetrator, either verbally or in writing, that the behaviour is unacceptable to you and it must stop. Where you feel unable to do this, you may request your line manager or Executive Lead to approach the person on your behalf, or help you in taking such actions – this may be particularly effective if the perpetrator is a service user or external stakeholder of the organisation. You may wish to keep a written record of the details of any incidents of perceived bullying, and retain any texts/emails/voice messages or other evidence that may support your allegations.

Where this fails, or a serious incident of bullying or harassment occurs, you should formally report the matter using the stages outlined in this procedure. It is important to establish the facts and you will be asked to provide details such as:

- what happened
- when did it occur
- where did it occur
- who was involved
- where there any witnesses
- whether this was the first incident

- whether any action has been taken to prevent further repetition of the behaviour

Where the person hearing the grievance or appeal reasonably believes that bullying or harassment has taken place, if the alleged bully/harasser is an employee, the Disciplinary Procedure will be invoked to ensure that the employee accused of this behaviour has every opportunity defend or explain their case. The severity of any sanction awarded to the employee will be consistent with other disciplinary offences. In serious cases, criminal charges may be appropriate and it may be necessary to refer the matter to the police.

Where the complaint is against a service user or external stakeholder, this will be investigated and such steps taken as are reasonably practicable to protect you.

Absence during grievance proceedings

We recognise that grievances can be stressful for both the employee raising the grievance and also any other employees against whom a complaint is made. However, we believe that in most cases this stress is best alleviated, and working relationships maintained, by completing the grievance procedure quickly.

Where you are unfit for work, this does not necessarily mean you are unfit to attend an investigatory meeting or a grievance/appeal hearing and you are required to make every effort to co-operate with us in completing the grievance process.

If you are absent due to illness or other reasons such as maternity/adoption/shared parental leave/paternity/parental or other leave, we will consider, in consultation with you (and/or your GP in the case of illness), whether there are any reasonable adjustments that can be made to enable your case to be progressed (e.g. by allowing you to make a further written submission, by conference call or by holding the meeting at a different venue).

If, after an attempt to contact you, we reasonably believe that you are unlikely to attend a meeting in the near future or to provide any further information, we may decide the matter without your further input, based on the evidence and information available to us. We will write to inform you on our intentions to proceed in your absence before taking any decisions.

Malicious complaints

Where a grievance is found to be blatantly untrue and/or has been brought out of spite, bad faith or for some other unacceptable reason, the employee will be managed in accordance with our Disciplinary Procedure, as will any witnesses who have deliberately misled the investigation.

Data protection

CTST processes personal data collected during informal discussions as well as the formal grievance and appeal procedure in accordance with our Data Protection

Policy. Data collected as part of informal discussions, the grievance procedure and any subsequent appeal procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our Disciplinary Procedure.

Implementation, monitoring and review of this procedure

This procedure will take effect from..... The Executive Lead has overall responsibility for implementing and monitoring this procedure, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Signed (CTST Chair).....