



Usel

Grievance Policy and Procedure



DOCUMENT MANAGEMENT

The purpose of this section is to provide details of the official, versions and controls relating to the management of the Grievance Policy & Procedures.

KEY PERSONNEL

Role	Responsible Person	Responsible Action
Author	HR Partner	Draft
Manager	HR Manager/POD	Review
Owner	Board	Approval

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1. Introduction

This procedure aims to promote good employee relations and deliver fair and equal treatment of all employees. It details the process to be followed by employees who wish to raise a work-related grievance and how Usel will take prompt and effective action to resolve the grievance, as far as is reasonably practicable. This policy follows the guidelines laid down in the Labour Relations Agency Code of Practice on disciplinary and grievance procedures which took effect on 3rd April 2011. A grievance is a complaint, concern, or problem which a staff member has in relation to an employment-related matter as defined under the scope of the policy in section 2 below.

2. Scope of the Policy

Issues that may give rise to grievances include:

- terms and conditions of employment.
- health and safety.
- personal relationships at work.
- bullying and harassment.
- new working practices.
- working environment.
- organisational change.
- equal opportunities.

3. Key Principles

3.1 You and your manager have a responsibility to develop effective working relationships where your individual needs and expectations are recognised and respected. You should be able to discuss problems and misunderstandings openly with your manager and should therefore be able to settle most issues informally.





3.2 Usel operates a clear and transparent framework for ensuring that grievances are addressed, and every effort is made to reach a reasonable conclusion which supports future effective working relationships.

The key elements of this framework are:

Step 1: Every effort is made to resolve the grievance informally and each stage and action of the procedure is taken without unreasonable delay.

Step 2: If you remain dissatisfied after informal consideration of your grievance, or do not want to try informal resolution, you may raise a formal grievance.

Step 3: An appointed Supervisor/Manager will hold a meeting with you to discuss your grievance and the timing and location of meetings must be reasonable and agreed as far as possible. The meetings will be conducted in such a manner that allows parties to explain their cases in full and you will have the right to be accompanied by a Trade Union representative or work colleague

Step 4: The Supervisor/Manager will review the case and if necessary seek further clarification or initiate further investigation.

Step 5: Once the Supervisor/Manager is content that there is enough information to make an informed judgement, a decision will be made on the appropriate action and you will be informed of whether the grievance has been upheld. The outcome will be communicated within 5 working days.

Step 6: You may appeal, if you are not satisfied with the outcome within in 5 working days of receipt of your letter. The appeal will normally be heard by a more senior member of the leadership team than the Supervisor/ Manager who conducted the first meeting.





3.3 It is expected that you should raise issues or concerns openly with your line manager and in a timely fashion. You and your line manager should make reasonable attempts to resolve problems/issues at this initial stage.

3.4 All employees are entitled to use the Grievance Procedure. If you have raised a grievance, you will not be victimised for having done so. Equally, no-one should victimise anyone else because of a grievance he or she has raised or because a grievance has been raised against him or her. Anyone found to be doing so may be subject to disciplinary action as detailed in the Disciplinary Policy.

3.5 All grievances will be considered as raised in good faith even if judged unfounded after investigation. However, if there is evidence that you are making vexatious or malicious use of the grievance procedure your complaint will be halted, and the matter will be investigated under the Disciplinary Policy which may lead to disciplinary action against you.

3.6 You have the right to be accompanied by a Trade Union representative or work colleague at any formal meeting. However, if appropriate and agreed by all parties, you can also be accompanied at the informal stage in the interests of seeking resolution without the need to go to the formal stage.

3.7 Records must be kept of all stages of the formal procedure and will include:

- a copy of the written grievance.
- management's response.
- any action taken with timescales
- reasons for any action taken.
- whether there was an appeal and, if so, the outcome.
- subsequent developments.
- reasons for any delay in the process; and
- records of any meetings.





3.8 All matters relating to the grievance will be treated as far as is possible in strict confidence between all parties involved. Any breach of this confidence without good reason may be regarded as a disciplinary matter.

3.9 The process will be subject to the provisions of GDPR and Freedom of Information legislation and disclosure for Industrial and Fair Employment Tribunals or other legal proceedings.

3.10 If a grievance is taken against you, you are entitled to be informed about the nature of the grievance (including an opportunity to see any relevant documentary material if appropriate) and have an opportunity to respond. You also have the right to support from a Trade Union representative or a work colleague if the grievance is being handled through the formal procedures.

3.11 There may be occasions where the grievance relates to established policy/procedure and/or organisational decisions where it is not within the remit of the person handling the grievance to find a resolution, for example if the grievance relates to a Usel-wide policy. In those cases, the investigation may be limited to considering if the relevant policy was applied properly but there may be no scope to change the actual policy. As part of the investigation, the Supervisor/Manager may consult with the manager responsible for the policy/decision if required to determine whether the relevant policy has been applied/implemented correctly.

3.12 Under the Disability Discrimination Act 1995, Usel are obliged to make reasonable adjustments including aiding you if you have difficulty completing or responding to a written statement due to your disability, in relation to the grievance.





3.13 Management should do all they can to assist you fully if you have difficulty expressing yourself in writing, or if English is not your first language. You will also be advised that you may wish to seek assistance from a Trade Union representative or work colleague in the context of such difficulty.

3.14 Where you are part of a group of staff who wish to raise the same grievance and feel that it can be dealt with collectively, and are unable to resolve the grievance informally, you may opt to raise a single group grievance yourselves or through a recognised Trade Union. It is expected that the matter will be represented by one employee from the group or a trade union representative, who will take the matter through the procedure. Any decision communicated following a group grievance will apply equally to all staff represented if agreed by the parties. The procedure will be followed as for individual grievances.

Informal Action

4.1. It is in everyone's interest to ensure that grievances are dealt with quickly, effectively, and amicably. In many circumstances this can best be done informally through discussion at the level at which the grievance arises.

4.2 Mediation offers an alternative to pursuing complaints and disagreements between colleagues through the formal grievance procedure. Information about the mediation process can be obtained by contacting HR. If you agree to take part in mediation, this does not prevent you from pursuing your grievance or complaint through a formal procedure if mediation does not resolve the issue. Mediation relies upon the co-operation of all parties i.e. both the person making the complaint (or the one who feels aggrieved) and the person whose behaviour or conduct concerns them. If the person who is the subject of the complaint refuses to take part, then mediation cannot take place. In such circumstances the person making the complaint can choose to pursue their concerns through the formal grievance procedure.





4.3 It should be the aim of both staff and managers to resolve grievances informally rather than invoke the formal grievance procedure or escalate the grievance upwards. However, if for some reason, you do not wish to attempt to resolve a grievance informally you may invoke the formal procedure. At all times both staff and managers should seek to resolve any grievances at the lowest possible level.

4.4 Where your grievance is concerned with the behaviour of a work colleague, colleagues or manager and is not covered under the Bullying & Harassment Policy, you should seek to resolve the matter with the individual or individuals concerned. If, due to the nature of the grievance, you are uncomfortable with this approach you may wish to discuss the matter with your line manager with a view to resolving the matter.

4.5 If, during informal action, the manager dealing with the matter becomes aware of a case involving a possible breach of the law, or alleged unlawful discrimination or a potential disciplinary matter, they must discuss this with HR.

5. Formal Grievance Procedure

5.1 If it is not possible to resolve the grievance informally or you do not wish to attempt informal resolution you may invoke the formal Grievance Procedure as outlined below. If a manager becomes aware that you wish to invoke the grievance procedure, he/she must refer you to the procedure to ensure that there is no misunderstanding regarding the roles and the process. It is in the interest of all the parties that the grievance is dealt with as quickly as possible. It is essential therefore that anyone dealing with grievances follow the stipulated time limits, or in exceptional circumstances, agree any extensions to any revised time limit(s).





5.2 STAGE 1 – Raising a Grievance

1. You must set out your complaint in writing as soon as is reasonable after the event giving rise to the grievance. Any grievances which are not raised within 3 months of the event occurring, or final event where there is a sequence of events, will be considered out of time. Allowances to this time limit will be made where there are exceptional circumstances e.g. in cases of sickness, or where an attempt at informal resolution has been ongoing.
2. Your written statement of the grievance should:
 - a. make it clear that it is a complaint under the formal grievance procedure.
 - b. set out the reasons for the grievance.
 - c. outline what action, if any, has been taken to resolve the matter.
3. If your grievance relates to a matter within the responsibility of line management, it will be dealt with by your Line Manager or by the manager who has responsibility for the decision that has given rise to your grievance. However, where your grievance is about your immediate Line Manager, it will be dealt with by the next level of line management
4. If your grievance relates to a matter outside of line management's responsibility, it will be directed initially to HR who will appoint a higher manager to lead the grievance.
5. If you have difficulty setting out the grievance in writing, either because you have difficulty expressing yourself or because English is not your first language, you may need to seek assistance. This should be from management, a Trade Union representative or work colleague.



6. Even at this stage, further attempts may be made to resolve the matter informally with your agreement, depending on the nature of your complaint and your grievance will be put on hold until this is fully explored. However, if you are not satisfied with the outcome, you may insist on the matter proceeding to a formal grievance meeting.

7. Where your grievance is against another staff member, the person complained about will be informed in writing of the grievance against them and will be given the opportunity to respond in writing. The manager considering the matter may also decide to meet separately with the individual, in which case they will have the right to be accompanied. If appropriate and both parties agree, the manager may arrange to meet with both to resolve the matter.

5.3 STAGE 2 – The Grievance Meeting

1. You will be invited to a meeting with the investigating manager as soon as it is reasonably practicable. The purpose of the meeting is to discuss the grievance and to say how you think it should be resolved). You have the right to be accompanied to this meeting by a Trade Union representative or work colleague.

2. You should ensure that you attend the meeting on the date and time specified. If you are unable to attend because of circumstances outside your control, you should inform the investigating manager as soon as possible. If you fail to attend without reason, or it appears you have made insufficient attempts to attend, a decision may be made in your absence.

3. You may provide the investigating manager with a written statement or other documentary evidence to be considered as part of the grievance meeting.



4. Following the meeting a summary record will be prepared and copied to you within 5 working days of the meeting. You will be allowed a further 5 working days to comment on the accuracy of the meeting record with a view to reaching agreement if possible, but if not your comments will be appended.

5.4 STAGE 3- Deciding on appropriate action

1. Having heard the submission by you and, where appropriate, your Trade Union representative or work colleague at the meeting, the investigating manager will review the grievance. Where the investigating manager is satisfied that no further analysis is required following the grievance meeting, the investigating manager will decide what action, if any, to take. He/she is entitled to seek advice on how to proceed further.

Where a grievance has highlighted issues that require further investigation, the investigating manager may recommend that an independent person be appointed to undertake a full and impartial investigation. This investigation must not cause unreasonable delay and the person raising the grievance must be informed of the revised timescale and the reason(s) for it.

3. Once the investigation has been completed, the investigating manager will notify you, and any respondent(s) of the decision in writing and you will be advised of the reasons for the conclusions reached. The conclusions reached will be based on the evidence gathered during the investigation.

4. If there is no further research is required, the investigating manager will write to you after the grievance meeting setting out any action that is to be taken and will ensure that the reasons for their decision are clearly explained. If the complaint was about an individual, they will also be informed. A copy of the formal note of the meeting will be given to you and you will be informed of your right to appeal within 5 working days of receipt of the letter in writing.





5. If the grievance highlights any issues concerning policies, procedures, or conduct (even if not sufficiently serious to merit separate disciplinary action), they will be addressed as soon as possible. If an issue has been highlighted that merits disciplinary action, the Ussel disciplinary procedures will be followed.

6. Where a grievance is upheld all issues raised by the grievance will be dealt with as quickly as possible.

5.5 STAGE 4 - The Appeal

If you are unhappy with the decision about your grievance you may appeal.

An appeal should be made without unreasonable delay, within 5 working days of you receiving the outcome, advising the employer in writing of the grounds of your appeal. An investigating officer will hear the appeal without unreasonable delay and at a time and place which should be notified to you in advance.

The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case. You will have the right to be accompanied at any such appeal hearing. The outcome of the appeal will be communicated to you in writing without unreasonable delay.

6. Arranging and Conducting Meetings

6.1 There may be circumstances, such as when one of the parties involved is on sickness absence or annual leave, when it will not be possible to arrange a meeting within the timescales recommended. In such an event an alternative date could be held during the period of sickness absence if agreed having consulted with your doctor or if medically approved by an Occupational Health practitioner. Any alternative dates must be arranged as soon as possible after the original date for the meeting and must not delay the process unreasonably.





6.2 If for some reason not known at the time of arranging the meeting, any of the attendees are unable to attend, another meeting should be arranged within 5 working days of the original date. If you fail to attend the re-arranged meeting and are not able to provide a satisfactory explanation, the manager dealing with the matter may proceed to decide on the case based on the information available.

6.3 Grievance meetings and appeal meetings will be conducted in a fair and impartial manner and you, or your Trade Union representative/work colleague, will be allowed to explain the complaint in full and how you feel it can be resolved.

6.4 Following the meeting a summary record will be prepared and copied to you within 5 working days of the meeting. You will be allowed a further 5 working days to comment on the accuracy of the meeting record with a view to reaching agreement if possible, but if not your comments will be appended.

6.5 Where any staff member involved in the investigation makes further allegations against another staff member during an investigation interview the manager will reserve the right to treat this as a new grievance and the individual will be able to raise a formal grievance if they so wish.

Right to be Accompanied/Role of the Trade Union Representative/Work Colleague

7.1 You are entitled to be accompanied at a formal grievance meeting by a Trade Union representative or work colleague of your choice. Although normally only a Trade Union representative or work colleague will be allowed to accompany you, requests to be accompanied by other individuals may be considered in exceptional circumstances, for example in the case of a reasonable adjustment under the DDA. It will not be permitted for you to be accompanied by a legal representative. You must notify the manager or officer dealing with the grievance who will be accompanying you.





7.2 The Trade Union representative/work colleague may ask questions on your behalf and sum up at the end of the meeting and offer any advice to and confer with you. The Trade Union Representative / work colleague will not be allowed to act in any way that might obstruct the process.

7.3 A Trade Union representative/work colleague who has been chosen to accompany you at a grievance meeting must be allowed sufficient time off to attend the meeting and confer with you both before and after the meeting. The person accompanying you at a grievance meeting has the right not to be victimised or disadvantaged because they have agreed to represent or accompany you at a grievance meeting.

7.4 The investigating manager should postpone the scheduled meeting if the Trade Union representative/work colleague you have chosen is unavailable. In these circumstances, you have the right to suggest an alternative date, but this date and time should be within 5 days of the original scheduled meeting date. There may be exceptional occasions where, for unforeseen circumstances, it is not possible to hold a re-scheduled meeting within this time limit. In these cases, all parties should make every effort to hold the meeting at the earliest possible opportunity.

8. Support for Employees

8.1 On occasion, the parties involved in a grievance may find the situation stressful or difficult and may want to discuss their concerns in confidence with a professionally trained counsellor. Such support and counselling are available through the Employee Assistance Programme. This provides free, independent, and confidential counselling support and can be accessed at www.inspirewellbeing.org or by telephoning 0808 8088000.





9. Overlapping grievance and disciplinary issues

Where an employee raises a grievance during a disciplinary process the disciplinary process may be suspended to deal with the grievance. There may be situations where the employer may find it more convenient to deal with both issues concurrently.

