

## **Grievance Procedure**

<b>Date of issue:</b>	<b>March 2020</b>
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This procedure does not form part of the employee's contract of employment.

### **1. Purpose and Scope**

Should staff have a grievance relating to their employment, they have a right to raise their concerns to Berkshire Maestros. This includes allegations of acts or statements of discrimination by employees that contravene legislation and policy on matters of equality and diversity.

### **2. Employees covered by the procedure**

Stage 1 and 2 of this procedure are applicable to all employees other than the Chief Executive Officer (CEO). If the aggrieved person is the CEO, the grievance must be referred to the Board of Trustees.

### **3. Principles**

A grievance may be raised by an employee personally, or on behalf of the employee by a trade union representative or work colleague by whom the employee may be accompanied at all stages of the procedure.

A grievance may not be progressed beyond Stage 1 without the exact nature of that grievance having been made clear to the line manager or CEO referred to in Stage 1 and 2 by the aggrieved party or the representative.

Grievances are usually resolved by raising the issue informally with the line manager in the first instance. This is the preferred way of resolving problems quickly and easily. There are however limits to the informal option: it is unlikely to be suitable for dealing with serious incidences of misconduct as it will not involve a formal investigation or where the concerns relates to the line manager. The use of formal procedures will be used only where the informal approach is inappropriate or has been unsuccessful.

It is in the interests of all parties to resolve any grievance as speedily as possible. The time periods referred to in the Procedure are approximate as each case will be dealt with on its own merits and every effort should be made to complete the processes as quickly as is practicable in the circumstances of the individual case.

#### **4. The Formal Procedure**

Where an employee wishes to raise an individual grievance, the following procedure will be used in sequence:

##### **Stage 1**

The employee should write to their line manager informing them of the nature of the grievance, the concerns and explain how it might be resolved. The aggrieved party should make it clear that the matter is being raised as a grievance under this formal procedure. Should the grievance relate to the line manager, the employee should address their grievance to the CEO and HR who will confirm the appropriate manager to investigate the grievance. Where the matter relates to a problem outside the immediate control of the line manager (for example, a pay issue or a problem in relation to the working environment), the line manager will raise the grievance with an appropriate alternative member of staff.

On receiving the written notice of the grievance, the line manager will invite the employee to a meeting as soon as possible and without unreasonable delay. The employee may be accompanied to the meeting by a co-worker or trade union representative.

At the meeting, further information will be sought which is an opportunity for the employee to give further details about the grievance and make suggestions as to how it may be resolved. There may be a need to investigate the grievance further, e.g. to interview witnesses or make other enquiries. The meeting may need to be adjourned to allow for this. The manager may need to speak to the employee again as the investigation proceeds.

Should the grievance concern an allegation of harassment, bullying or other misconduct against another person, the employee will be informed that the other person has a right to a fair hearing, including the right to defend the allegation.

It will also be considered and discussed whether special measures are required to ensure that the employee and the other person can avoid further contact with each other whilst the complaint is being investigated.

Where the grievance concerns an allegation of harassment, bullying or other misconduct against another employee or manager, the investigating officer may need to meet the other person against whom the grievance is raised:

The following steps will be followed:

- The nature of the allegation/grievance will be outlined
- Confirmation that it is being handled as a formal grievance
- Offer opportunity for the allegation to be answered
- Inform the employee that the matter will be investigated fully/further
- Inform the employee of the next steps under the grievance procedure
- Inform the employee of the need to avoid contact or steps to be taken to avoid contact with the aggrieved employee until the matter is resolved

Notes will be taken of all meetings with the aggrieved employee, witnesses and of any enquiries made. The manager/investigating officer will aim to complete the investigation as soon as possible.

Any witnesses will be interviewed confidentially and information provided will be treated as confidential. Having obtained all relevant information, the manager will consider the matters raised and write a report of the investigation findings. This should be forwarded to the Senior Manager responsible for line managing the investigating officer.

The employee should be aware that depending on the outcome of the investigation, that disciplinary action may be considered appropriate for the person against whom the complaint has been made or the employee themselves if the outcome finds in the favour of the other person because the complaint is, for example, unsubstantiated or vexatious.

The employee should be informed in writing about the outcome and informed about the right to appeal against the findings in the event that he/she is not satisfied with the outcome. In appealing against the findings the employee should follow the stages outlined below.

Any person affected by the findings of the investigation, e.g. the employee/person against whom the allegation/grievance was raised will also be informed about the outcome in writing.

## **Stage 2: Referral to Senior Leader or CEO**

If an individual is dissatisfied with the outcome of Stage 1 and it appears that further discussions with the line manager would not be likely to resolve the matter, the employee may invoke Stage 2 within 10 working days of the outcome of the stage 1.

At this stage, the grievance should be registered with the Senior Leader or CEO who will attempt to resolve the grievance.

## **Referral to Trustees**

If the Grievance refers directly to the CEO or is raised by the CEO, the grievance should be registered directly in writing with the Chair of the Board of Trustees. A meeting with a panel of Trustees will be arranged as soon as possible and without unreasonable delay to discuss the grievance with the relevant employee. The decision of the Trustees will be notified to the CEO and the aggrieved employee within 10 working days of the meeting.

## **What Happens Next**

Where the grievance has been upheld, and especially where there may have been a finding of harassment or bullying, Maestros will take all reasonably practicable steps to reassure and protect the employee from further acts. This may include taking disciplinary action or providing appropriate training for employees/managers. Where it is concluded that it is appropriate to take disciplinary action against any employee, Maestros will implement formal disciplinary procedures against those persons.