



## **GRIEVANCE PROCEDURE**

(Covering all employees and casual workers)

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**Effective from 7 April 2017**

# GRIEVANCE PROCEDURE

## 1. INTRODUCTION

- 1.1 CultureNL Ltd recognises the importance of creating a working environment in which all employees feel confident about raising matters of concern relating to their employment.
- 1.2 The Grievance Procedure provides a process to deal with concerns wherever possible at an early stage, through discussion and agreement.

## 2. SCOPE OF PROCEDURE

- 2.1 This procedure applies to current employees of CultureNL Ltd and is designed to deal with employment related concerns, such as:
  - your work or working arrangements;
  - your office and its equipment (including health and safety concerns);
  - relationships at work;
  - your employment contract; or
  - equal opportunities issues.
- 2.2 Sometimes an issue you want to raise is better dealt with using another process, policy or procedure, for example:
  - complaints of harassment or bullying should be raised through CultureNL Ltd's Policy on Fair Treatment at Work;
  - grading appeals should be raised through CultureNL Ltd's Grading Appeals process; and
  - appeals against disciplinary action should be raised through the appeal process in CultureNL Ltd's Disciplinary Procedure.
- 2.3 CultureNL Ltd is confident that the majority of grievances raised by staff are genuine and made in good faith. However, if a grievance is found to be deliberately vexatious or malicious this will be treated as a serious disciplinary offence and may constitute gross misconduct.
- 2.4 A vexatious or malicious grievance includes one that:
  - is not made in good faith, e.g. is based on deliberate misrepresentations or untruths; or
  - can be considered unreasonable, e.g. where an individual continues to raise the same issues that have been formally addressed previously.
- 2.5 You cannot use this procedure if you have left CultureNL Ltd's employment.
- 2.6 You cannot use this procedure to challenge decisions that are made outside CultureNL Ltd, such as on tax and national insurance matters or changes in the law.

### **3. ROLES AND RESPONSIBILITIES**

3.1 All **employees** are responsible for:

- making sure you understand the Grievance Procedure;
- trying to deal with grievances informally in the first instance;
- raising a grievance in writing if it has not been settled at the informal stage; and
- stating the outcome that you are seeking.

3.2 All **managers** are responsible for:

- making sure they understand the Grievance Procedure;
- making sure their employees are aware of and understand the Grievance Procedure;
- dealing with grievances promptly and informally where possible; and
- handling grievances sensitively and confidentially, making sure standards of fairness, objectivity and consistency are followed in all cases.
- maintaining accurate records detailing the nature of the grievance raised and the actions taken to try to resolve the grievance.

**Grievance processes must be given a high priority by managers, employees and trade union representatives so they can be completed as quickly as possible.**

### **4. REPRESENTATION**

4.1 At any formal meeting under this procedure an employee will have the right to be represented by:

- an accredited workplace trade union representative;
- a CultureNL Ltd employee; or
- a full time official employed by a trade union.

4.2 If your representative is a CultureNL Ltd employee, they will be allowed reasonable time off with pay to accompany you. Separate arrangements apply if your representative is a trade union official.

4.3 Your representative cannot answer any questions put directly to you. However, they can help you to present your case. You may talk privately with them at any time during the meeting.

### **5. STAGE 1 - INFORMAL GRIEVANCE**

5.1 You should normally raise any concerns informally in the first instance with your line manager. Both you and your line manager should aim to deal with any problems at this stage. Grievance meetings should be held in private.

If you have any difficulty at any stage of the Grievance Resolution Procedure because of a disability or because English is not your first language, you should raise the matter with your line manager, or another appropriate manager, as soon as possible.

5.2 You may raise your concerns informally in one of the following ways:

- discuss the issue with your line manager;
- if the subject of the grievance is your line manager, and you do not feel comfortable or able to discuss the issue with him/her, you should discuss the issue with your line manager's manager; or
- if your concern relates to another employee, and it is appropriate to do so, you should speak directly to the employee concerned.

5.3 During these informal discussions, you should discuss your grievance in detail. Often issues can be sorted out at this point through discussion and clarification.

5.4 Your line manager will attempt to settle your grievance by discussing with you:

- what you are concerned about and why i.e. what impact is it having on you;
- the outcome you are looking for and whether this is possible or appropriate; and
- the implications of adopting any particular course of action.

5.5 If the issue is more complex, your line manager may need time to investigate the circumstances of your grievance. This will be done without unreasonable delay.

5.6 At the conclusion of the investigation, or within five working days of you raising the issue, your manager should inform you verbally of any action that will be taken.

5.7 Your manager will monitor the situation to make sure that any action or decision taken as a result is effective.

5.8 A written summary of the discussion should be given to you by your manager.

## **6. STAGE 2 - FORMAL GRIEVANCE**

6.1 If the informal discussion does not resolve your concerns you can progress the issue to a formal grievance.

6.2 If your grievance is not resolved at the informal stage, you should raise the matter within 10 working days in writing to your line manager, or another manager, if appropriate.

6.3 You should set out the details of your grievance in writing using the Stage 2 grievance form (**Appendix 1**). You can also include additional information for consideration by the manager dealing with the grievance.

6.4 The Stage 2 grievance form should be sent to your line manager's manager who will hear the grievance.

- 6.5 Following receipt of the Stage 2 grievance form and any supporting documents, the appropriate manager will arrange a Stage 2 meeting to consider the grievance. The meeting will be arranged within 10 working days of receiving the written grievance unless there is joint agreement to extend this timescale.
- 6.6 The manager conducting the grievance meeting will make sure that all relevant information is presented and considered. Where appropriate, other managers/employees involved at an earlier stage will attend the meeting to help discussions.
- 6.7 In particularly complex cases, the manager conducting the meeting may be advised by a representative from HR.

## **7. POSSIBLE OUTCOMES**

- 7.1 After the grievance meeting, a decision will be sent to you in writing, within 10 working days. There are five possible outcomes to a grievance:

### **7.2 Grievance Upheld**

If your grievance is upheld, the manager who heard it will explain any action that will be taken to settle the concern(s) you raised and will also put this in a letter to you. This may include:

- clarifying or changing working practices;
- providing additional training and/or support for you or other employees;
- agreeing to put right any identified failing; and
- an action plan to sort out the issues you raised.

### **7.3 Grievance Partially Upheld**

If your grievance is partially upheld, the manager who heard it may decide that only some of the concern(s) you raised requires action. S/he will explain which part of your concern(s) have been upheld and the action that will be taken to settle them and which have not been upheld. S/he will also put this in a letter to you.

### **7.4 Grievance Not Upheld**

Alternatively, the manager may decide that your grievance has not been upheld because the issues you raised cannot be supported. The manager will also put this in a letter to you.

### **7.5 Further Investigation Required**

- 7.5.1 The manager may decide that further information is required before a decision on your grievance can be made. The manager will adjourn the meeting and start an investigation. The manager will explain this to you and will also put this in a letter to you, indicating how long the investigation will take.

- 7.5.2 If another employee is the subject of your grievance and further investigation is required, they will be provided with a copy of any relevant information being considered.
- 7.5.3 When the investigation is finished the manager will make a decision about your grievance and inform you of their decision in writing, providing you with a copy of their investigation report. The possible outcomes are those described in paragraphs 7.2, 7.3 and 7.4 above and 7.6 below.

## 7.6 **The Grievance is Vexatious**

- 7.6.1 If it the manager hearing the Stage 2 grievance decides that your grievance is vexatious s/he will decide whether to start the process to take disciplinary action against you.

## 8 **STAGE 3 - APPEAL**

- 8.1 If you disagree with the decision made at Stage 2 you may submit an appeal at Stage 3. Stage 3 appeals are heard by the CultureNL Appeals Panel. You can complete an appeal form and send that to the Chair of CultureNL within 10 working days of you receiving the Stage 2 outcome letter. The appeal form is attached to this Procedure as **Appendix 2**. You should also send a copy of your appeal form your service area Service Manager.

- 8.2 An appeal can only be submitted if some or all of the following are true:

- the grievance procedure followed was not a fair process and/or was not followed correctly;
- additional evidence was not considered;
- evidence was considered but misinterpreted; and
- the conclusion reached was incorrect given the evidence presented.

**No** new issues or concerns can be added at this stage. The issues must be the same as those originally raised at Stage 2. If you have new issues or concerns, then a new grievance must be started.

8.3 A Stage 3 appeal must include:

- details of what you are concerned about and why;
- why you are making an appeal;
- why you disagree with the Stage 2 outcome;
- the outcome that you are seeking; and
- any other relevant information.

8.4 The Chair of CultureNL will arrange for your appeal to be heard by the CultureNL Appeals Panel within 20 working days of receiving your written appeal submission or as soon as possible if that timescale cannot be met.

8.5 The CultureNL Appeals Panel will review the original decision in light of your specific grounds of appeal – see paragraph 8.2. It is not an opportunity to rehear the grievance and evidence is not heard again at the hearing.

8.6 Normally, the Panel will decide that your grievance has either been upheld, partially upheld or is not upheld.

The Panel can also ask the Service Manager to:

- arrange to consider your grievance again; or
- to make further investigations into your issues or concerns.

If further investigation is required, the Panel will provide reasons for this in writing. If the Panel decides that either of these is required you will have an additional right of appeal at Stage 3.

8.7 The CultureNL Appeals Panel decision will be confirmed in writing to you and your representative by the Chair of CultureNL within 10 working days of the date of the meeting. There is no further right of appeal.

## **9. TIME LIMITS**

9.1 The time limits relating to Stages 1, 2 and 3 of this procedure may be varied by joint agreement.

## **10 REVIEW**

10.1 This procedure will be added to CultureNL Ltd's list of policies and will be reviewed as and when required to reflect organisational changes, best practice, operational experience and legislative updates.

**Stage 2 Grievance Form**

<b>Employee Grievance</b>	
<p>If you have not raised your concerns through Stage 1, you must do so before completing this form.</p> <p>You should complete this form if the Stage 1 Informal Grievance Resolution meeting does not resolve your grievance. You must submit this form to the appropriate manager within Ten working days of being notified of the outcome of Stage 1.</p>	
<b>Formal Stage 2 grievance</b>	
<b>Employee's name:</b>	
<b>Employee's job title:</b>	
<b>Employee's department:</b>	
<b>Name of Line Manager:</b>	
<b>Date of Stage 1 Meeting:</b>	
<b>Name of Manager who conducted the Stage 1 meeting:</b>	
<b>Date you were notified of the outcome of Stage 1:</b>	
<b>Does your grievance relate to your line manager?</b>	Yes/No



**Summary of complaint:**

Please set out the details of your complaint, providing as much detail as possible, particularly dates, times, locations, identities of those involved details of any incidents / examples of behaviour specific to your grievance. You may attach additional sheets / documentation if required.

**Individuals involved in the alleged incident/complaint:**

Please provide the names and contact details of any people involved in your complaint, including witnesses.

**Outcome requested:**

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

**Representation**

You have the right to be represented by a work colleague or a trade union representative. If you have chosen to be represented, please provide the name and position of the person who will represent you below:

Name of representative:

Position:

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any vexatious or malicious allegations may result in disciplinary action being taken against me by CultureNL Ltd. (In the most serious cases, making false, vexatious or malicious allegations can be treated as gross misconduct.)

**form completed by (Print name):**

**Signature:**

**Date:**

**For completion by CultureNL Ltd:**

Date form received by CultureNL Ltd:

Name of recipient and job role:

Signature:

## APPENDIX 2

### Stage 3 (Appeal) Form

#### Employee Appeal

If you have not raised your concerns through Stage 1 and 2, you must do so before completing this form.

You should complete this form if the Stage 2 Formal Grievance meeting does not resolve your grievance. You must submit this form to the Chair of CultureNL, with a copy to your Service Manager, within 10 working days of being notified of the outcome of Stage 2.

**For Stage 3 appeals, no new grievance issues (other than those originally submitted) can be added. If you have new grievance issues, then a new grievance (Stage 1) should be started.**

#### Formal Stage 3 Appeal

Employee's name:

Employee's job title:

Employee's department:

Name of Line Manager:

Date of Stage 2 Meeting:

Name of Manager who conducted the Stage 2 meeting:

Date you were notified of the outcome of Stage 2:

Does your grievance relate to your line manager?

Yes/No

**Grounds of Appeal**

Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been wrong in those circumstances). You may attach additional sheets if required.

**Individuals involved in the Appeal:**

Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.

**Outcome requested from the appeal:**

Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

**Representation**

You have the right to be represented by a work colleague or a trade union representative. If you have chosen to be represented, please provide the name and position of the person who will represent you below:

Name of representative:

Position:

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any vexatious or malicious allegations may result in disciplinary action being taken against me by CultureNL Ltd. (In the most serious cases, making false, vexatious or malicious allegations can be treated as gross misconduct.)

<b>form completed by (Print Name):</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>For completion by CultureNL Ltd:</b>	
Date form received by CultureNL Ltd:	
Name of recipient and job role:	
Signature:	

## APPENDIX 3

### FLOWCHART – GRIEVANCE PROCESS

