



GRIEVANCE POLICY AND PROCEDURE

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1.0 AIMS

The grievance policy and procedure exists to ensure that there is a framework for handling employee concerns, problems or complaints relating to their employment. CHA is committed to a culture of openness and improvement, and in this context, grievances should be viewed as a way of bringing difficulties to the fore so improvements can be made.

The policy and procedure are written to ensure a fair and effective process for resolving individual and collective grievances on matters such as working practices, health and safety, fair treatment or terms and conditions of employment.

We encourage use of informal processes to resolve issues where possible.

This policy and procedure have been produced in line with the relevant ACAS Code of Practice to ensure that CHA meets all its legal requirements.

2.0 PRINCIPLES

The following principles underpin our approach to handling grievances:

- We will apply the principles of fairness, openness, integrity and promptness and employees will not be disadvantaged in any way by raising a grievance.
- It is expected that most concerns or difficulties can be resolved in an informal way between an individual and their line manager, and we encourage this approach where appropriate to resolve issues.
- We will seek to balance the interests of confidentiality and fairness to get to the root of the issue in question to resolve matters in an appropriate manner.
- Employees are entitled to be accompanied by a fellow worker or accredited trade union representative to a formal hearing. We will facilitate this and provide information about this right of request and remind employees of the support offered through our Employee Assistance Programme (EAP).
- We will keep a record of the grievance hearing, including any agreed outcomes and actions and give the employee an opportunity to check its accuracy, as well as a copy of the final record to retain.
- This procedure should not be used to raise concern in a vexatious or malicious manner. Inappropriate use of the procedure may result in disciplinary action.

3.0 SCOPE

This policy and associated procedures apply to all employees of CHA and to grievances raised by both individuals and groups of employees.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

4.0 RELATED DOCUMENTS

- Equality, Diversity and Inclusion Policy
- Bully and Harassment Policy

- Disciplinary Policy
- Whistleblowing Policy

5.0 DEFINITION OF A GRIEVANCE

A grievance is defined as a concern, complaint, or problem raised by an employee relating to an area of their employment, that they wish to raise with the organisation. Issues that may cause a grievance include:

- Terms and conditions of employment
- Health and safety
- New working practices
- Working environment
- Organisational change
- Work relations
- Discrimination
- Bullying, harassment or victimisation

Individuals who consider that they are experiencing unwanted behaviour, bullying, harassment or victimisation must also refer to the Bullying and Harassment Policy which sets out useful information and sources of support. This can be found on the company SharePoint site.

Disclosures in the public interest - commonly referred to as "whistleblowing" should be raised in line with the Whistleblowing Policy. Whistleblowing is the term used when an employee passes on information concerning wrongdoing which is in the public interest to expose. Examples could involve illegal or unethical practices. This means that personal grievances and complaints are not usually covered by whistleblowing law.

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure.

6.0 GRIEVANCE PROCEDURE

6.1 RIGHT TO BE ACCOMPANIED

CHA's policy and procedure takes account of the guidance contained in the ACAS Code of Practice on Disciplinary and Grievance Procedures and provides for the right to be accompanied by a union representative or work colleague at each formal stage of the procedure and for a right of appeal.

At a meeting, your companion is entitled to address the meeting, ask questions and confer privately with you. Your companion does not however, have the right to answer questions on your behalf or address the meeting if you do not wish them to or prevent the employer from explaining their case.

There is no right to be accompanied at informal stages of this procedure, however there may be exceptional circumstances where it is agreed that it would be better for a companion to be present to support these discussions.

6.2 INFORMAL PROCEDURE

Prior to any formal grievance procedure, the employee and their line manager should meet and take all possible steps to resolve the problem informally, as this will often resolve the issue(s) both satisfactorily and quickly.

Both line manager and employee will agree and record any action resulting from this meeting. The employee does not have the right to be accompanied at this stage of the process. Should this course of action prove to be unsatisfactory then the employee may wish to raise a formal grievance.

Where the grievance relates to the line manager of the employee, it may be the best approach to speak to the line manager directly. If the employee feels it would be inappropriate to raise the matter with their immediate manager as it relates to their behaviour, they should raise the concern with the next manager in the structure. If that is not appropriate, they should contact Corporate Services.

6.3 MEDIATION

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This would involve the appointment of a mediator, who will be identified following discussion with Corporate Services. The mediator will discuss the issues raised in the grievance with all of the parties involved and seek to facilitate a resolution. Mediation will only be used where all parties in the grievance agree. An internal or external mediator will be sourced by Corporate Services.

6.4 FORMAL PROCEDURE

Where it is not been possible to resolve an issue informally, or it is not possible or appropriate to consider this option, the matter should be raised formally.

A grievance would usually be raised in writing to an employee's line manager. If the grievance is about their line manager, it would be raised to the next level of management, or if this is not appropriate Corporate Services.

The grievance should clearly set out the matter of concern focusing on the facts - with references (where relevant and possible) to dates, times and places, and the desired outcome or solution. The statement should also outline what attempts have been taken to resolve the issue and why they have proved unsuccessful. If relevant, the names of any witness(es) to the incident(s) should also be included.

6.5 INVESTIGATION

It may be necessary for CHA to carry out an investigation into an employee's grievance. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking witness statements and / or reviewing relevant documents.

We may initiate an investigation before holding a grievance hearing where we consider this appropriate. In other cases, we may hold a grievance hearing before deciding what investigation, if

any, is required. In those cases, we will hold a further grievance hearing before a decision is reached.

6.6 GRIEVANCE MEETING

The manager who is responsible for hearing the grievance should formally acknowledge the grievance and invite the employee to a hearing to discuss the grievance, normally within five working days. The employee has the right to be accompanied to this hearing as outlined in section 6.1. At the hearing, the employee will be given the opportunity to explain the grievance and how they think it should be settled. The hearing may be adjourned if further advice or investigation is required.

Depending on the nature of the grievance, a member of the Corporate Services team may be present to support the meeting, ensuring due process is followed. A note taker will normally be present to take written notes of the meeting. The covert recording of meetings is forbidden.

6.7 DECISION AND OUTCOME

The employee will receive a written decision within five working days of the hearing. The decision letter should set out if the grievance has been upheld, on what basis the decision has been made and what action the manager intends to take to resolve the grievance, where appropriate. It should also outline the appeals process should the employee feel that their grievance has not been satisfactorily resolved.

6.8 COLLECTIVE GRIEVANCES

A collective grievance is a grievance brought by a group of employees (i.e. 2 or more). Employees can either submit the same grievance, at the same time and request that all grievances be heard at the same time or submit one grievance, identifying all employees who are involved with raising the grievance.

A collective grievance will follow the same procedure outlined above, with one group meeting held at each stage. All members involved in the collective grievance will be invited to each stage of the process and will receive correspondence individually relating to invite and outcome. Alternatively, the group can nominate someone within the Group to act on their behalf, however all members of the group must agree to this.

If any employee wishes to have trade union representation at a collective meeting, then this meeting will be held individually.

6.9 GRIEVANCES RAISED DURING DISCIPLINARY PROCEDURES

If a grievance is raised during the disciplinary process and it's unrelated to the disciplinary matter, the disciplinary process will continue, and another manager will deal with your grievance separately. If the two matters are connected, CHA will assess the situation and we may either deal with the grievance and disciplinary process concurrently or pause this process while we deal with your grievance. Concerns about the procedure implemented or outcome of a disciplinary should be raised using the disciplinary appeal process.

6.10 GRIEVANCE RAISED AFTER TERMINATION OF EMPLOYMENT

Wherever possible, a grievance should be dealt with under the above procedure before an employee leaves CHA. However, a former employee may submit a grievance up to three months after their employment with CHA has ceased.

Where it is not reasonably practicable to apply the above procedure, or by agreement between the former member of staff and CHA, a modified procedure will apply. Under the modified procedure, the former member of staff shall set down in writing the nature of the alleged grievance and send it to the Corporate Services Manager. CHA will consider the grievance and respond in writing. There is no right of appeal.

6.11 APPEAL

If an employee is not satisfied with the outcome of the grievance hearing they should submit an appeal, in writing, to the appropriate person outlined in the grievance outcome within 10 working days of receipt of the outcome. The appeal will be heard by a more senior manager than the one who dealt with the original grievance. Where the original grievance was heard by the Chief Executive, the appeal will usually be heard by the Chair of the Management Committee.

The appeal will be formally acknowledged, and the employee will be invited to attend an appeal hearing. CHA will aim to hold this meeting within 5 working days of the appeal being raised. The employee has the right to be accompanied to this appeal hearing, in accordance with section 6.1.

At the appeal hearing the employee will be given the opportunity to explain their grounds for appeal and how they think it should be settled. The individual will receive a written outcome of the appeal hearing within seven working days. The decision on the outcome of the Appeal is final.