

STYLES HOUSE GRIEVANCE POLICY

PURPOSE AND SCOPE

It is the TMO policy to ensure that all reasonable and practicable steps are taken to encourage and maintain good employee relations. This will help us to achieve our aims of having a well motivated workforce and provide an efficient service. However, grievances can arise from time to time and where this happens the TMO would encourage individual employees to raise a grievance on matters relating to their work, conditions of employment, working environment or working relationships, where they consider they have suffered or are likely to suffer any detriment.

This policy is designed to provide for these grievances to be dealt with fairly, consistently and promptly before they are allowed to develop into major problems. Grievances should be dealt with as close to the point of origin as possible.

Most routine complaints and grievances are best resolved informally in discussion with the employee's immediate manager. If the matter cannot be resolved informally with the, it should be dealt with under the formal procedure.

This policy and procedure is applicable to all employees.

PRINCIPLES

It is the TMO policy to require employees with grievances relating to their employment to use this procedure to seek a satisfactory solution. The TMO will aim to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible, we will explain the reason(s) for the decision. Where employees are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. All employees who have raised a grievance will be treated fairly at all times before, during and after the conclusion of the grievance procedure.

PROCEDURE

Informal Resolution of Complaints

Wherever possible, complaints should be resolved informally through discussion with the TMO Manager. Dealing with complaints in this way can often lead to a speedy resolution of problems, but it is advisable for the individual and TMO Manager to retain a note of the informal meeting. The TMO Manager will respond to an employee no later than five working days after receiving the complaint unless it relates directly to them in which case the complaint should be addressed to the Chair, who will arrange a response by a suitable member of the staffing sub-committee, again within 5 working days of receipt. The employee may raise a complaint directly with a member of the Staffing Sub-Committee if the grievance relates to the actions or conduct of the TMO Manager.

If a matter raised by an employee cannot be resolved informally or involves a serious allegation employee will be required to use Stage 1 of the procedure by submitting their grievance in writing, without unreasonable delay.

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Should the complaint be an allegation of wrongdoing or criminal offence this should be made in accordance with the Public Interest Disclosure, whistle blowing policy.

FORMAL GRIEVANCE AND SERIOUS COMPLAINTS

Stage One – Grievance Meeting

The employee should place their grievance in writing stating the reasons for the grievance with the TMO Manager. If the complaint concerns an employee's manager the complaint will be considered by a more senior manager. If the complaint concerns the TMO Manager it will be considered by a member of the HR and H&S Sub-Committee. If the complaint concerns a TMO Committee member, it will be considered by the Chair or another appropriate Officer.

At the meeting employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Timescales and Decision Making

The person hearing the grievance should invite the individual to attend a formal meeting in order to discuss the grievance within five working days of the complaint being received.

The date and time of the meeting should be arranged so that all the parties whose attendance is necessary for the grievance to be dealt with properly can attend. The employee and all other parties should take all reasonable steps to attend the meeting. The key purpose is to arrange a meeting without unreasonable delay.

The timescales shown below will be adhered to wherever possible. However, where there are good reasons, e.g. the need for further investigation or lack of availability of relevant witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale. The TMO will act in as flexible a way as possible to accommodate these requirements. The TMO will also adopt a flexible approach to the timescales in this procedure so as to fully resolve any grievance where practicable. Following the meeting, the TMO Manager/Senior Committee member, should respond in writing to the grievance within five working days of the meeting. Where this is not possible an explanation for the delay must be provided to the employee. The employee will be informed of their right to appeal their grievance to the next stage.

Investigations

The TMO is committed to ensuring that all grievances are fully investigated. For example, this may involve carrying out interviews with the employee concerned and third parties, e.g. witnesses, colleagues and managers. It will also involve analysing written records and information. The investigation report will be made available to all the parties concerned. However, the TMO will respect the confidentiality of the parties where appropriate, and this will include keeping the identity of witnesses confidential where it believes it is correct to do so.

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Stage Two – Appeal

If the employee is dissatisfied with the stage 1 response the employee may appeal to a member of the Staffing Sub-Committee. To do so, the employee must set out their appeal in writing explaining why they are dissatisfied with the outcome of Stage 1 of the procedure. The appeal letter should be sent no later than seven days after receipt of the outcome.

A meeting will be arranged, within 10 working days of the appeal and the outcome will be provided within five working days of the meeting. There is no further right of appeal, but dependent on the nature of their complaint, the employee may be able to apply for an employment tribunal hearing (see below).

EMPLOYEE'S RIGHT OF ACCOMPANIMENT

Those employees raising a grievance have the right to be accompanied by either a work colleague or trade union official of their choice throughout all stages of the grievance procedure. The companion has the right to:

- (a) Confer with the employee before and during the meeting, including before the employee answers any questions.
- (b) Respond on behalf of the employee to any views expressed at the grievance meeting.
- (c) To put forward the employee's grievance in opening and closing statements made at the grievance meeting which sums up the employee's case and to respond on behalf of the employee to any views expressed at the meeting.

The companion should also be allowed to question any witness who is providing evidence for the grievance meeting.

The companion does not have the right to answer any questions put directly to the employee by the person conducting the grievance meeting, or to address the meeting if the employee does not wish it, or prevent the employer from explaining their case.

RELATIONSHIP WITH DISCIPLINARY PROCEEDINGS

The grievance procedure should not be used for appeals against disciplinary decisions, because that is provided for at the appeals stage of the disciplinary procedure.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Where the panel hearing the grievance concludes that there is a disciplinary case to answer, they can recommend an investigation and the disciplinary procedures will apply.

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MEDIATION

In addition, where appropriate and at any stage of the process, either party can request that the matter is subject to mediation, including the use of external third party mediators (subject to the cost being reasonable) in an attempt to reach a mutually agreeable outcome. Where it is felt that the complaint may lead to the use of disciplinary procedures, it is not appropriate to use mediation.

RECORD KEEPING

All grievance records should be retained securely and in strict confidence. The information processed will comprise, within the meaning of the Data Protection Act 1998, either sensitive personal data or personal data and sometimes both. For that reason, complete confidentiality should be maintained, unless where that information must be released to authorised third parties in the course of handling the grievance process, e.g. ACAS or the police. Should a grievance be withdrawn the relevant documents must be destroyed.

PUBLIC INTEREST DISCLOSURE – WHISTLE BLOWING

As part of the TMO's whistle blowing procedure, all employees also have the right to raise any concerns about workplace practices, or suspicions of criminal acts, miscarriages of justice or dangers to health and safety which will not cause them detriment. These concerns will be dealt with in accordance with the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 and the Employment Act 2002 and other legislation in force from time to time. All employees who honestly and reasonably raise a grievance in good faith for this reason will, at all times, be protected from any detriment.

Any deliberate false or malicious allegations will be taken very seriously and appropriate disciplinary action will be taken. When reporting such a concern the employee will not be expected to have absolute proof of malpractice, but will need to show the reasons for their concern.

Where requested the TMO will keep the identity of the discloser confidential as far as is reasonably possible. However, in certain circumstances, e.g. if a criminal investigation follows, the employee may be required as a witness. Should this happen, a designated person will notify the employee at the earliest opportunity. If the disclosure is substantiated, appropriate action will be taken. The employee will be notified of the outcome where reasonably practicable.

If an employee has a concern and is unsure whether their issue is an appropriate matter to raise within the TMO they can contact the independent charity, Public Concern at Work, on 020 7404 6609.

EXTERNAL ADVICE

The TMO reserves the right to seek assistance from external facilitators at any stage in the grievance procedure, in the interest of seeking a satisfactory outcome for all concerned.

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EMPLOYMENT TRIBUNALS

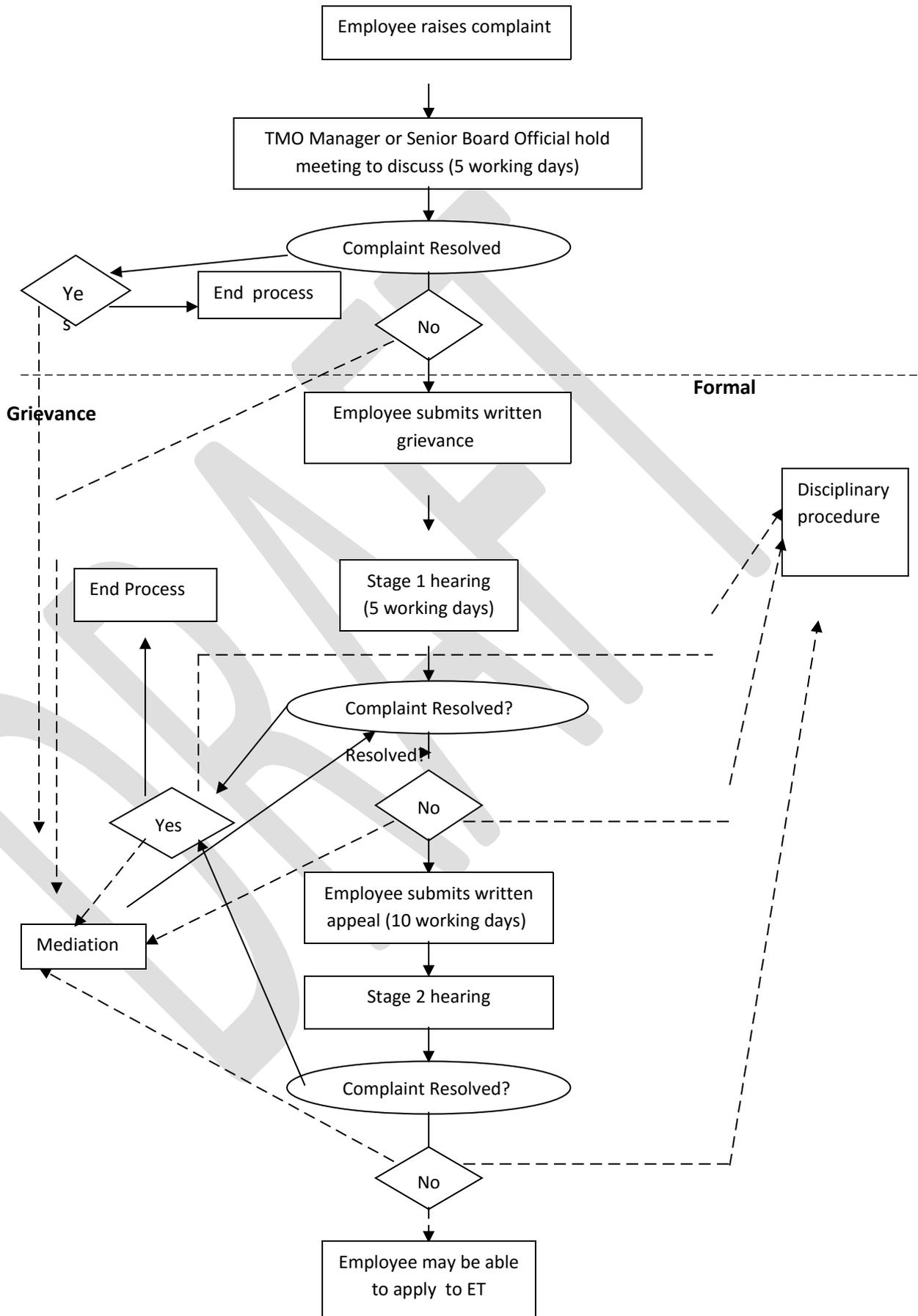
Where the procedure has been exhausted, and the employee remains unsatisfied, they may be able to apply for an employment tribunal hearing. Not all staff grievances would come within the jurisdiction of a tribunal. The Employment Tribunal section of Justice Departments website has a jurisdiction list, which itemises those specific grievances which can be raised at a tribunal. Further information can also be found on the ACAS website.

AMENDEMENT TO POLICY

This policy and procedure is for guidance only and does not form part of employees' contractual rights. The TMO will keep the grievance procedure under review to make sure it is relevant, compliant and effective and address any shortcomings as they arise. Employees and their representatives will be consulted before new and additional rules are introduced.

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GRIEVANCE PROCEDURE - Process Map - Informal resolution of complaint



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