



Approver	Board
Pre Board Committee Scrutiny	Operations Committee
Date Approved	August 2020
Classification	Policy and Procedure
Title	Grievance Policy & Procedure
Revision Date	July 2020
Revised by	HR/OD Manager
Next Revision Date	July 2023
Related Documents	Code of Conduct Disciplinary Policy & Procedure Dignity at Work Policy
Location of Electronic Copy	F:\Live Policies\HR

1 Policy Statement

At Viewpoint our people make great things happen.

We believe that Viewpoint staff provide a unique service and want our people to feel excited and engaged about working with us. To ensure we provide a positive and supportive working environment for all, we have introduced this policy for those occasions when members of staff may wish to raise a concern, problem or complaint arising out of their employment, in a constructive way.

The grievance procedure is not a substitute for good day to day communication where employees are encouraged to discuss and resolve daily working issues.

Our aim is to always resolve things amicably and informally but when this is not possible a formal procedure is available. Viewpoint will deal objectively and constructively with all grievances, and employees who decide to use the procedure may do so with the assurance that the matter will be considered fairly and in confidence within a reasonable timeframe.

All employees are expected to adhere to Viewpoint's Dignity at Work Policy and may refer to the Dignity at Work Procedure when considering making complaints in certain circumstances.

2 Aim

This policy and procedure provides clear guidance for management and employees to help ensure procedural fairness, consistency and reasonableness.

3 Legislation/related policies

Viewpoint's main grievance documents are this Grievance Policy and Procedures and the Code of Conduct. All documents will be read in conjunction with each other.

Viewpoint's Grievance Policy and Procedure and Code of Conduct are non-contractual documents i.e. not included in individual contracts of employment. Viewpoint may therefore amend any of these documents from time to time and vary any time limit as may be appropriate in the circumstances. Any changes to the Policy will be agreed with the Joint Consultative Committee (JCC) and approved by the Board.

Viewpoint's Code of Conduct sets out expectations for acceptable behaviour of employees and managers towards each other, service users and all other individuals. The Code of Conduct is not exhaustive, and from time to time inappropriate behaviour or conduct may occur which is not covered in the examples given, but which will still be dealt with under the appropriate policies and procedures.

This Grievance Policy and Procedure incorporates the advice and guidance set out in the ACAS statutory Code of Practice on discipline and

grievance that provides the recommended standards to be followed by employers when dealing with grievance issues.

HR should be notified of a grievance and their advice sought.

4 Scope

This Grievance Policy and Procedure applies to all employees. The Chief Executive (in consultation with HR and the Executive Team) will have discretion to apply it to agency workers, volunteers and work placements.

Viewpoint is committed to providing equality and fairness for all of our people and we will not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or any other protected characteristic.

The purpose of the Grievance Policy is to resolve issues in the workplace in the most effective manner and at the lowest level possible. It provides a framework within which to deal with complaints and allows for complaints to be resolved informally where possible, or through a formal grievance procedure where necessary. Where employees have a complaint about the outcome or management of other formal internal processes, e.g. disciplinary or capability procedures, requests for flexible working, they should always pursue such complaints through the appeals procedure set out in the relevant policy.

Note: If a serious complaint or grievance is received concerning the Chief Executive, the Chair of the Board will be informed immediately, and the Serious Complaint against CEO Policy and Procedures will be followed.

5. Principles of the Policy

Viewpoint will observe the following principles in all grievance related matters:

- Viewpoint will make every effort to deal with grievances as quickly as possible, at the appropriate management level
- No decisions on the outcome of a formal grievance will be made before the case has been investigated
- Employees raising a grievance may only do so on their own behalf; they cannot raise a grievance on behalf of a colleague
- Where working relationships are a factor in any grievance, support will be given where employees wish to take part in mediation to resolve a difficulty

6 Compliance & Support

Viewpoint's Commitment to its Employees:

- A copy of this policy and procedure and the Employee Code of

- Conduct shall be made available to all employees.
- A copy of this policy and procedure will be issued as standard practice to any employee involved in the Grievance Procedure.
 - There is a reference copy of this policy and procedure accessible on Viewpoint's Intranet and with HR at all times.
 - Employees involved in the formal stages are made aware of their right to be accompanied by a JCC Representative, work colleague or an independent trade union representative.
 - This policy and procedure are updated regularly in accordance with best practice.
 - Any changes to this Policy will be notified to the employees.

Viewpoint's Commitment to its Managers:

- Existing managers receive training on these policies and procedures.
- At induction, managers will receive an awareness of these procedures and training will be provided; and
- All managers are made aware when this policy and procedures changes and will arrange further training as appropriate.

7 Monitoring & Evaluation

Viewpoint's Grievance Policy and Procedures will be fair, reliable, robust and auditable, i.e. capable of scrutiny.

Viewpoint will ensure our policy and procedures are reviewed by an external professional law provider to check legal compliance and fairness.

Procedures in support of the Grievance Policy

1 Introduction

This procedure should be read together with the Grievance Policy, the Employee Code of Conduct and The Dignity at Work Policy

The ACAS statutory Code of Practice on discipline and grievance sets out the standards to be followed by employers when dealing with grievance situations. This procedure is based upon the ACAS Code of Practice. Whilst the ACAS Code of Practice will normally be followed, Viewpoint reserves the right to apply such procedures as it considers appropriate from time to time, depending on what is appropriate in the circumstances.

The aim of this Grievance Procedure, together with the Grievance Policy and Employee Code of Conduct, is to set out the process by which Viewpoint can be expected to deal fairly, consistently and without unreasonable delay, with any employee grievances. It covers both the informal approach that can be taken and, where this has not addressed the matter, or where the issue is of a very serious nature, then the formal approach.

Some examples of concerns or issues that employees may wish to raise include:

- Health and Safety matters
- Employment terms and conditions
- Working practices
- Behaviour of colleagues
- Discrimination or unfair treatment

This list is not exhaustive however employees should, where appropriate, try to resolve less serious issues informally before they resort to the formal process. HR can provide help and advice.

Viewpoint recognises that involvement in the grievance process can be challenging on an individual level. If an employee experiences personal difficulty during any grievance procedure, they should inform the manager Chairing the grievance hearing and/or appeal hearing. The manager will discuss with the employee ways in which the employee can be supported.

Viewpoint expects managers to use an informal process to settle employee issues where possible, and where the employee raising the grievance finds this acceptable, and should use the formal process only where the informal approach has been unsuccessful or the situation is sufficiently serious.

This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

2 Informal Stage

Most grievances can be resolved quickly and informally. When an employee feels that they have a concern or a complaint related to their employment, this should be raised in the first instance with their immediate line manager and not necessarily submitting it in writing. Essentially the informal process involves the employee and their line manager discussing the issue together in a confidential, non-formal context and agreeing a course of action to remedy the problem.

The following steps should be followed in order to find resolution:

- The employee should request a meeting with their manager, or if this is not appropriate because their manager is involved, a more senior manager or a member of the HR team.
- During the informal meeting, the employee should explain the nature of their complaint to the manager and their desired outcomes.
- The manager and employee should explore how the issue could be resolved informally.
- Both parties will seek to reach agreement on how to take any actions forward. These could involve arranging further meetings with relevant third parties.
- An informal record should be kept of the steps taken and any agreement reached, eg an email or note to file. The employee and manager will arrange to meet as regularly as necessary to monitor progress throughout the informal procedure and should meet once all agreed actions have been taken to assess if the matter has been resolved.
- If the complainant feels unable to tackle their complaint informally, or they have not reached a satisfactory conclusion through the informal process, then they may pursue a formal grievance.
- If this is the case, the procedure outlined below should be followed.
- There is no right of representation at the informal stage.

In the event that a grievance relates to the employee's line manager, the employee may in the first instance wish to take advice from HR who may arrange for another manager to hear the informal grievance.

Where relationship issues are at the centre of an employee grievance, Viewpoint may propose the use of mediation to try to resolve problems informally. Mediation is intended to be used to address situations including conflict involving colleagues of a similar job or grade, between a line manager and their staff, relationship breakdowns, personality clashes, communication problems and allegations of bullying and harassment. Mediation requires the consent of all parties involved and therefore may not be appropriate in some circumstances.

3 Formal Stage

When an employee feels that the informal stage has not been successful, they should raise the matter formally and without unreasonable delay with their line manager. This should be done in writing and should clearly state the nature of the grievance, including any relevant facts, dates and names of individuals involved, the outcome they are seeking and what, if any, actions they have taken to resolve the issue informally. However, if their line manager is the subject of the grievance, their formal grievance should be addressed to the manager or Director above the line manager. As advised in section 2 above, the employee may wish to seek the advice of HR on the appropriate person to whom they should address their grievance.

On receiving details of the grievance the manager will consult with HR who will provide them with advice and support. The employee will be advised, by the manager, that a meeting will be arranged, normally within 10 working days, to hear the grievance. This notification will be sent to the employee, in writing, normally within 3 working days of receiving the complaint. The employee will be informed in this letter of their statutory right to be accompanied by a JCC representative, work colleague or an independent trade union representative.

4 Investigation

In some cases it may be necessary for Viewpoint to carry out an investigation into the employee's grievance. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.

5 Appointing an Investigating Officer

The manager who will Chair the grievance hearing will appoint an Investigating Officer, taking into account the need to avoid any potential conflict of interest. The Investigating Officer will:

- Not be part of the management structure of the person being complained about
- Normally be at least at a grade equal to that of the complainant's manager
- Will have had no prior involvement in the case
- Normally be at least one grade higher than the person being complained about. In addition, their appointment should give no rise to any potential conflict of interest. If the grievance is made against a member of the Leadership Team, a member of the HR team will discuss the matter with the appropriate Director before agreement is reached on how to proceed in appointing the Investigating Officer and identifying the manager who will Chair the hearing.
- Both the complainant and respondent will, where appropriate, have the opportunity to challenge the selection of the Investigating Officer where they believe that there is a conflict of interest.

The employee should cooperate fully and promptly in any investigation, in order for the manager hearing their grievance to have a clear understanding of all the facts. This may include informing Viewpoint of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

Viewpoint may initiate an investigation before holding a grievance meeting where it is considered appropriate. In other cases the grievance meeting may be held before deciding what investigation (if any) to carry out. If appropriate, Viewpoint may hold a further grievance meeting with the employee after the investigation and before reaching a decision.

6 The Investigation

The Investigating Officer will initially invite the complainant to a meeting to discuss their grievance and this will take place as soon as reasonably possible. The Investigating Officer may wish to interview others in connection with the grievance, and this will be done through separate meetings. Guidance on carrying out investigation is available from HR.

If the grievance is against another employee ('the respondent'), the Investigating Officer must also write to the respondent letting them know that a grievance has been submitted, enclosing either a copy of the written grievance or a concise summary of the main issues, and outlining the stages involved in the process, so that the respondent is fully informed of the case against them.

The Investigating Officer must recognise the potential distress that a formal grievance can cause for a respondent, and therefore must act with sensitivity when letting them know about the case made against them for the first time. A conversation with the respondent before they see the formal grievance is advisable where possible. The respondent should also be made aware of their right to seek support from a JCC representative, work colleague or an independent trade union representative and the HR Team.

At all stages of a grievance, those involved in the investigation must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for any other colleagues involved. Any breach of this may lead to disciplinary action for the employee concerned. However, this does not preclude employees from discussing the matter with their representative or member of the HR team.

7 Grievance Hearing

The employee will be invited in writing to the hearing by the manager Chairing the grievance [referred to below as the Chair] and should make every effort to attend. If the employee (or their companion) cannot attend the hearing, the

employee should propose another suitable time and date within 5 working days of the original hearing date.

Where the employee wishes to refer to documents at the hearing the employee should provide copies of these in advance to the Chair.

The Chair will adopt the following procedure at the hearing:

- will invite the employee to explain their grievance and how they think it might be resolved;
- will ask questions to clarify the detail of the grievance
- will consider whether further investigation is necessary in light of the employee's comments;
- if further investigation is not necessary the Chair will inform the employee that their comments will be taken into account and written notification of the outcome of the hearing will normally be sent to them within 5 working days.
- if further investigation is necessary, the Chair will adjourn the meeting for no longer than 5 working days in normal circumstances to carry out investigations based on the employee's input. The Chair will keep the employee updated on the time scales needed.
- Following investigation, it may be necessary for the Chair to reconvene the grievance hearing to discuss any further issues or it may be possible at this point to write directly to the employee with a decision.
- Once the Chair is satisfied that they have heard all of the facts, a decision will be taken in relation to the grievance and this decision will be communicated to the employee in writing, normally within 5 working days of the date of the hearing. Where appropriate the outcome communicated to the employee will set out what action Viewpoint intends to take to resolve the grievance.
- If the employee is not satisfied with the Chair's decision, they have the right to appeal.

The outcomes associated with this hearing could be:

- That the grievance is not upheld, and no further formal action will be taken.
- That the grievance is partially upheld, and appropriate action will be taken. (This could be where a number of complaints were made within the grievance, but not all were upheld.)
- That the grievance is upheld, and that further action will be taken as a result of it.

Where the grievance has been submitted against another Viewpoint employee, and it is found that the grievance is not upheld, the person against whom the grievance was raised will be written to advising them of this. Furthermore, the Investigating Officer must make recommendations to the Chair of the hearing to minimise damage to working relationships, and to ensure that employees are able to work together effectively and offer support.

8 Appeal

If the employee is dissatisfied with the grievance hearing outcome, the employee may submit a written appeal to Viewpoint within 5 working days of the date of the letter notifying the employee of the Grievance Outcome.

The Grievance Outcome letter will inform the employee to whom the appeal should be submitted.

The employee's letter of appeal must set out the grounds on which the employee wishes to appeal.

Where possible, a manager not previously involved in the grievance and more senior than the Manager who undertook the original Grievance hearing, will take the appeal hearing.

The Chair of the appeal hearing will invite the employee to attend an appeal hearing and confirm the date, time, and location for the hearing in writing. The Chair will also notify the employee who will be present to consider the appeal as well as anyone who will be attending in a note-taking capacity. The appeal hearing will usually be held within 10 working days of the appeal being received. The employee may be accompanied by a JCC representative, work colleague or an independent trade union representative.

If the employee wishes to present new information or evidence in relation to the appeal, this must be provided to the Chair of the appeal hearing at least 24 hours in advance of the appeal hearing.

The employee must take all reasonable steps to attend the meeting. If the employee (or their companion) is unable to attend the meeting on the day or at the time specified, the employee should let the Chair know, without delay, and the meeting might be rescheduled, where it is reasonable to do so, within 5 days of the original date.

The employee will be informed of the decision, normally within 5 working days from the date of the hearing. The decision on appeal will be final.

9 Role of an Employee's Companion

A JCC representative, work colleague or an independent trade union representative may attend formal meetings during the process as a companion. The role of this companion is to support the employee. It is not normally appropriate for a family member to be a companion and this will only be allowed in special circumstances.

The employee must inform the Chair of the grievance or appeal meeting who their chosen companion is, in good time before the meeting, and at least 24 hours before.

Acting as a companion is voluntary and the employee's colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

This support might take the form of simply being moral support or the employee might ask that their companion be allowed to summarise their case and put forward submissions.

It is important to note, however, that the Companion will not be permitted to answer questions on behalf of the employee where an explanation from the employee is required to a specific point.

The Companion will be expected to act in a professional manner at all times. If, in the view of the person chairing the meeting, the Companion's behaviour is such that it is disruptive or not conducive with the conduct of a balanced and fair hearing, the colleague or representative will be warned and ultimately might be asked to leave the meeting.

10 Grievance and Disciplinary Matters

Where a grievance relates to allegations of bullying and/or harassment, or misconduct on the part of another employee, then these should be considered in conjunction with Viewpoint's Dignity at Work Policy.

Where an employee raises a grievance during a disciplinary investigation or process then, depending on the circumstances, a decision may be taken to temporarily suspend the disciplinary process in order to deal with the grievance.

Where the disciplinary and grievance processes are related it may be appropriate to deal with both processes concurrently.

Under these types of circumstances, the facts of each case will be taken into consideration, to determine the best and fairest approach.