

Grievance

Updated Review date: September 2009
Date to be reviewed: September - December 2010



Scope and Purpose

VAW expects its staff to behave in a professional manner and in line with the VAW Diversity policy. Any member of staff who has a grievance relating to another member of staff or the organisation has the right to express it. This grievance policy is for use by staff members. Other individuals wishing to raise a complaint should use the VAW complaints policy. The aim of this policy is to provide a framework to bring grievances to light in a positive manner and to a fair conclusion as soon as possible.

It is in the interest of the staff and management that grievances are dealt with quickly and fairly. It is very important that every effort is made to resolve the grievance in the early stages of this procedure. Many routine complaints and grievances can be resolved informally without recourse to this procedure, and a quiet word is often all that is required to resolve an issue.

Managers hearing grievances from staff are reminded that grievance hearings are not matters of discipline and therefore all hearings must be handled sensitively. The focus should be resolving the disagreements and not apportioning blame or proving guilt or innocence.

This policy does not deal with dismissals due to redundancy or the non-renewal of fixed term contracts on their expiry. Redundancy issues are addressed in the Redundancy Procedures.

The procedure may be altered from time to time as appropriate and any changes agreed with employees.

Transitional issues will be dealt with in accordance with the old policy, as reviewed in December 2007.

Procedure

- If you wish to raise a grievance you should do so by providing clear reasons, and evidence where possible
- If a number of related grievances, disciplinary issues and/or counter-allegations arise at the same time, these may be considered simultaneously by one panel. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.
- At any stage of the procedure you will have the right to be accompanied by an independent person or trade union

representative, and to call witness, but the witness cannot answer questions on behalf of the staff.

- In very rare instances the management committee may decide that official bodies have to be notified of matters arising from the grievance (for example, if child protection concerns are raised).
- If an individual is deemed to be making malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against the individual.

Grievance against a member of staff – informal approach

If you, as a staff member wish to raise a concern about another staff member, you should raise the matter personally with them in the first instance if possible. If you are unable to resolve the matter you should raise the matter with your line manager. The line manager's options include facilitating a joint meeting with both parties, and an agreed written course of action to resolve the matter. This will be monitored, reviewed, and recorded. If you are not satisfied with the outcome of the informal stage, you may invoke the next stage of the formal grievance procedure detailed below.

If you have a concern about your line manager, this should, where possible, be dealt with in an informal manner during a supervision session. However, if the concern cannot be resolved in this way, the matter should then proceed to the next stage of this procedure.

The procedures detailed below will not preclude any informal meetings which may from time to time be considered mutually to be appropriate.

Grievance against a member of staff – formal approach

Stage one

- The employee sets down in writing the nature of the alleged grievance and sends the written complaint to his or her line manager. S/he must inform the employer of the basis for his/her complaint. All grievance matters will be acknowledged in writing by the line manager and the employee invited to attend a meeting within 5 working days.
- Discussions should take place with a view to settling the grievance or agreeing an approach to settle it, and the line manager will hold additional meetings as would in her/his view resolve the grievance.
- The line manager may adjourn the meeting if it is necessary to investigate any new facts that arise.

- After the meeting the manager will give you a decision in writing, normally within 24 hours.
- If the grievance is against the immediate line manager, the matter should be raised with the CEO or the supervisor's line manager if different.
- If the grievance is with the CEO, the matter should be raised with the Chair of the HR Sub-committee.
- Whoever deals with the grievance at this stage will be excluded from dealing with the case at any later stage.

Stage two

- If the matter is not resolved with the line-manager within **ten working days**, the matter may be raised with the CEO (or Chair of the HR Sub-Committee, or Chair of the Board). The grievance should be set out in writing, dated and sent to the CEO (or Chair). The CEO (or Chair) will call a hearing to take place within **ten working days**, of the matter being formally raised. The CEO (or Chair) shall ensure that the Head of Finance & Central Services is present as a minute taker. An alternative note taker can be appointed by the CEO if the HF&CS is an interested party in the grievance. The meeting will be attended by a member of the Strategic Leadership Team, the CEO, and at least one member of the Human Resources Subcommittee.
- The employee will have the right to present their case at this meeting, as will the member of staff who has had a grievance lodged against them.
- The meeting will discuss the issue and decide upon an appropriate course of action. VAW will inform the employee of any decision, and offer the employee the right of appeal.

Stage three

If the matter is still unresolved, the matter may be referred, in writing, to the Board (through the Chair) who shall appoint an Appeal Panel. If an Employee wishes to appeal, they must inform VAW in writing stating their reasons for the appeal. An Appeal Panel shall consist of not less than three representatives of VAW. The members of this panel should, if at all possible, have had no direct involvement with in the case. One member of the Panel shall be the Chair. The Panel shall ensure that a minute taker is available.

The Appeal Panel will hold a hearing as soon as possible but not later than **fifteen working days** from the receipt of the formal notification from the employee.

The decision taken in relation to grievance by the Appeal Panel shall be final.

Group Grievance

Where a group of employees has a collective a grievance the procedure should start at Stage two above.

Grievance against a member of the Board of Trustees

Stage one

A complaint about a member of the board of trustees should be raised in writing with the CEO. Receipt of the complaint will be acknowledged in writing within 10 working days.

Stage two

- The Board of Trustees will set up a sub-committee within 10 working days to investigate the complaint.
- The sub-committee should include at least one trustee who does not have a conflict of interest in this matter.
- Both parties will be invited to make representations.
- In the event of a conflict of interest, members of the sub-committee should declare the conflict of interest and step out of the sub-committee and any further discussions regarding the grievance.
- The sub-committee will discuss the issue and decide upon an appropriate course of action. VAW will inform the employee of any decision, and offer the employee the right of appeal.

Stage three

The employee will have right of appeal to an appeal panel comprised of the Chair (or vice-chair if the grievance is against the Chair) and 2 other trustees not involved in stage 2 and without a conflict of interest. The member of staff will have the right to present their case to the appeal panel, as will the trustee who has had a grievance lodged against them. The appeal panel will take such actions as they consider appropriate and its decision will be final. This may include a recommendation for the removal of a trustee. If recommended a special meeting of the board of trustees will be convened to consider that proposal.

Record keeping

Record of all grievances should be kept on personnel files, including records of any decisions made, in line with statutory regulations. If the matter is discussed at any formal meetings, records of the discussion and any decision taken should be made.

Examples of possible reasons for grievances

It is the aim of this procedure to deal with reasonable and justifiable managerial decisions which staff may disagree with. The list provided below is not exhaustive and there may be other examples of possible reasons for a grievance:

- Unreasonable/unjustified refusal to grant annual leave;
- Unreasonable/unjustified refusal to grant an approved absence;
- Provision of conflicting, contradictory instructions/supervision;
- Unjustified refusal to provide support/supervision when requested;
- Persistent lack of support/supervision which affects employee's ability to carry out his/her job;
- Refusal to deal with, or inadequate resolution of work problems between colleagues;
- Unwillingness or failure to deal with health & safety issues.