

## **GRIEVANCE POLICY & PROCEDURE**

**Updated: 1<sup>st</sup> April 2011**  
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### **POLICY STATEMENT**

ELCAP will support employees to raise any grievance that they have in relation to their employment with ELCAP. ELCAP will take any grievances raised seriously and deal with them fairly, consistently and speedily.

### **FORMAL PROCEDURE**

At any time, the member of staff can contact the Human Resources Manager for advice about how to raise a grievance.

In the first instance, employees should discuss any concern about their employment with their line manager using ELCAP's Work Practice Review [supervision] Procedure. The manager will inform the member of staff when it is appropriate to use the Grievance Procedure or which other procedures should be used. The Line Manager will also take the appropriate action at this time under ELCAP's Policies and Procedures based on the information which has been provided.

If the member of staff thinks that the issue is serious they should write down their concerns and send these to the manager before the meeting. The manager will arrange a formal meeting to deal with the grievance and the member of staff has the right to be accompanied at that meeting by a Union representative or another member of staff.

Examples of issues that may cause grievances are: terms and conditions; health and safety; work relations; new working practices; working environment; organisational change; discrimination.

Some issues, for example, where the member of staff has not written to the manager in advance describing a grievance, will be able to be addressed and resolved with the employee's line manager in discussion through ELCAP's Work Practice Review [supervision] Procedure. Notes of this discussion will be taken and retained in the employee's work practice file.

It is important that a record is kept of the resolution of any grievance. This is important so that we can show that we have dealt with all grievances appropriately and that we have a record should the same or similar issue be raised again.

If the member of staff feels that the grievance is so serious that it cannot be resolved through ELCAP's Work Practice Review [supervision] Procedure, he or she should write to the manager describing the grievance. If the concern is serious and the member of staff does not wish to raise the issue with the line manager, the member of staff should raise their grievance by writing to the Director. The Director will ensure that a manager who is not the member of staff's line manager will have a formal meeting to deal with the grievance.

*Please note that a member of staff may not use ELCAP's Compliments, Suggestions and Complaints Procedure to raise issues which should be dealt with under the Grievance Policy and Procedure and guidance will be available for staff to explain when it is appropriate to use ELCAP's Grievance, Disciplinary and Whistle-Blowing Policy & Procedures.*

### **Formal Grievance Stage 1 [a]**

An employee should, in the first instance, raise any grievance with his/her line manager, in writing, setting out the nature of the grievance. The employee can not expect anonymity under this policy and procedure but will experience no detriment as a result of raising a grievance in good faith. If it can be shown that the allegation was brought in bad faith or spitefully the employee will be dealt with through ELCAP's disciplinary procedure.

The line manager will arrange a formal meeting with the employee and will deal with the grievance with a decision, in writing, within five working days.

### **Formal Grievance Stage 1 [b]**

If the employee feels unable to raise the matter with his/her line manager, he or she should raise the grievance, in writing, with the Director who will ensure that a manager who has not been involved with the grievance will meet with the employee at the earliest practical opportunity and respond, in writing, within 5 working days of this meeting.

## **Formal Grievance Stage 2 Appeal**

If the employee remains dissatisfied with the response following stage 1a or 1b, he or she may appeal the decision by raising the grievance with a Director or Board Member as applicable to the seniority of the post. The Director or Board Member, as applicable, will meet with the employee and respond, in writing, within five working days. The decision of the Director or Board Member, as applicable, will be final.

## **Right to be accompanied**

The employee has the right to be accompanied to any of the above meetings by a fellow employee or appropriate trade union official (companion). The companion will be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. However the member of staff raising the grievance is expected to reply to direct questions. The companion does not however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent ELCAP from explaining their case.

## **Attendance at meetings**

Employees are expected to take reasonable steps to attend the meetings scheduled during the course of the grievance procedure. If an employee cannot attend a grievance meeting, they must inform the manager conducting the meeting, in advance, wherever possible. If the reasons for such are outwith the employee's control and are unforeseeable at the time, then an alternative date and time may be arranged within five working days of the original meeting date. This five day time limit may be extended by mutual agreement. ELCAP is not obliged to reschedule any meeting more than once. Please refer to the Grievance procedure flowchart on the following page.

## **Overlapping Grievance and Disciplinary Cases.**

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.

# Flowchart of Grievance Procedure



