

Sutton Community Transport Grievance Policy and Procedure June 2015

Policy

This policy sets out the basic requirements of fairness that will be applicable in most cases; it is intended to provide the standard of reasonable behaviour in most instances.

Grievances are concerns, problems or complaints raised by a member of staff. Any worker may at some time have a problem or concern with their work, working conditions or relationships with colleagues. Most of these are best dealt with at an early stage, informally, with the immediate line manager. In the event that this is not possible, it is the policy of Sutton Community Transport that the employee has the right to refer this grievance to a senior manager. This formal step should be only considered when all informal routes have been exhausted.

Issues that may cause grievances could include:

- Terms and conditions of employment
- Health and Safety at Work
- Work relations
- Bullying and harassment
- New working practices/organisational changes
- Discrimination

At a formal meeting employees may request to be accompanied by a companion. The companion should be a fellow worker, an official employed by the employee's trade union or a workplace trade union representative as long as they have been certified in writing by their union as having had experience of formal grievance meetings. A fellow worker must not be someone whose presence would prejudice the hearing. Employees have a statutory right to be accompanied by a companion where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation.

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.

Procedure

Formal Meeting

- Where the grievance cannot be resolved informally it will be dealt with under the following procedure.
- If it is not possible to resolve a grievance informally, employees should raise the matter formally and without delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance.
- Employers should arrange for a formal meeting to be held in private and without unreasonable delay after the grievance has been received. The employee has the right to be accompanied by a work colleague or Trade Union Representative. Employers, employees and their companions should make every effort to attend the meeting. Employees should explain their grievance and how they think it should be resolved. The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on behalf of the employee, address the hearing if the employee does not wish it or prevent the employer from explaining their case. Consideration should be given to adjourning the meeting for any investigation that may be necessary and to avoid hasty decisions which may have unforeseen repercussions. Notes should be taken of the meeting and the employee has the right to a copy of these notes.
- Following the meeting the employer must decide on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

Appeal

- Where an employee feels that their grievance has not been resolved satisfactorily, they have the right to appeal. They should let their employer know the grounds for their appeal in writing without unreasonable delay. The appeal should be heard without unreasonable delay and the employee should be notified in advance of the time and place of the appeal.
- The appeal should be heard by a manager who has not previously been involved in the case. The employee has the statutory right to be accompanied by a companion as described above.
- The outcome of the appeal should be communicated to the employee without unreasonable delay.

The provisions of this policy and procedure do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representatives.

For further advice and guidance, please refer to ACAS Code of Practice on Disciplinary and Grievance Procedures -March 2015