

**Model Grievance Procedure**

Introduction

**Policy Statement**

Both **[Name of employer]** and **[UNISON Branch]** recognise that all employees should be treated fairly and with respect. If you feel you have been treated unfairly you should discuss this with your line-manager who will attempt to resolve the issue informally.

If informal attempts to resolve the matter do not work, it may be appropriate for you to raise a formal grievance under this procedure.

The purpose of this grievance procedure is to provide a formal mechanism to address such issues and bring about a satisfactory resolution in a fair and prompt manner.

A grievance may be brought by either a single individual or a group of people.

It should be noted that issues which are the subject of collective negotiation or consultation between **[Name of employer]** and **[UNISON Branch]** will not be considered under the grievance policy unless it relates to a failure to engage in collective negotiation or consultation.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only after the disciplinary process has been completed. Where the grievance and disciplinary cases are related it may be necessary to deal with both concurrently.

If you are unsure of how to proceed, advice can be sought from your trade union representative or Human Resources.

There are certain issues that will not be considered under the grievance procedure:

* Any complaints that are trivial –"He never says 'good morning' to me" for example
* Cases that are vexatious – For example a member of staff raises a grievance with their employer every few weeks. Each grievance is regarded as a relatively minor complaint that the employer has already provided a reasonable resolution to. It is clear that the employee is raising numerous grievances to inconvenience the employer.
* Cases that should be addressed by the disciplinary procedure
* Complaints relating to regarding / promotions (these may be dealt with under the appeals procedure)
* This does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry.

**Compliance with ACAS code of practice**

This grievance procedure follows the ACAS code of practice on Disciplinary and Grievance Procedures (updated March 2015). The code is issued under section 199 of the Trade Union and Labour Relations (consolidation) Act 1992.

A failure to follow the code does not, in itself, make a person or organization liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code.

This means that if the tribunal feels that an employer has unreasonably failed to follow the guidance set out in the Code they can increase any award they have made by up to 25 per cent. Conversely, if they feel an employee has unreasonably failed to follow the guidance set out in the Code they can reduce any award they have made by up to 25 per cent.

**Scope of Policy**

The agreement applies to all staff who will be employed at **[Name of employer]**

Model Grievance Policy

**Submission of Written Grievance**

The member of staff must set out in writing the nature of his / her grievance, clearly stating the basis of the complaint. The grievance should then be submitted to your line-manager. If the grievance concerns your line-manager then the grievance should be submitted to the head of HR who will allocate the hearing of the grievance to another manager. It is advisable to seek advice and help from your trade union representative at this stage and to inform them of your intention to submit a written grievance.

**Invitation to Grievance Hearing**

Once the written grievance has been submitted, the manager to whom it is addressed must acknowledge in writing within 3 days receipt of the grievance and state that they are dealing with the grievance under this procedure and invite the member of staff to a grievance hearing in order to discuss the issues raised in the grievance.

The letter (see sample letter 1) should state the date, time and location of the meeting and the composition of the panel who will hear the case. This letter should make clear that the member of staff has the right to be accompanied by a fellow worker, a trade union representative or an official employed by the trade union.

**Procedure**

The hearing should take place as soon as is reasonably possible, within 15 working days after the grievance has been received. If the hearing cannot take place within 15 working days, the member of staff that has raised the grievance should be given an explanation for the delay in writing with a new date for the hearing. For the purposes of this procedure a working day equates to Monday – Friday and excludes public holidays and any statutory closure days.

The Employer may find it necessary to conduct an investigation before the grievance hearing and this may affect the date of the hearing.

**The Complainant**

Whether the grievance is an individual or group grievance, all parties will be provided with relevant paperwork from the employer 3 days prior to the hearing.

All parties should provide to the employer any paperwork they wish to rely on within 5 days of the hearing.

If the grievance concerns another member of staff, they will be invited to the hearing to discuss the issues raised in the grievance. It may be appropriate in some cases to meet with both parties separately to discuss the complaint.

All parties are entitled to be accompanied to the grievance hearing by a fellow employee, trade union representative or an official employed by the union. The accompanying person is not entitled to answer questions on behalf of the member of staff they are accompanying. HR should be notified of the name, address, job role and any special requirements of the accompanying person at least two working days before the hearing.

The member of staff who has had the grievance brought against them has the right to submit a written submission prior to the hearing. This submission will be circulated to the panel and all parties involved. The written submission must be received by HR at least 5 working days before the hearing.

If necessary both parties can call witnesses to provide evidence. Names of witnesses and any special requirements must be provided to HR at least 5 working days before the hearing. It is up to the member of staff calling the witness that they are informed of the date, time and location of the hearing. Names of all witnesses will be made available to all parties.

Both parties should take all reasonable steps to attend the hearing. If for any genuine reason (i.e. illness) either party or their accompanying person cannot attend, an alternative date for the hearing will be arranged. This should be within five working days of the original hearing date.

Where a member of staff fails to attend a re-arranged meeting without a good reason a decision will be taken in their absence based on the evidence provided.

**Panel**

The panel will normally consist of the complaint’s appropriate line-manager, a manager who has had no involvement with the grievance and a representative from HR.

 **Decision**

Following the meeting the panel must decide on what action, if any, to take. Decisions must be communicated to the employee in writing, and where appropriate set out what action the employer intends to take to resolve the grievance. This should happen without unreasonable delay and within 5 days. The employee should be made aware at this stage that if they are unhappy with the outcome they can appeal. It is at this point in the procedure where a grievance may be referred to the disciplinary procedure by the panel.

**Appeals Procedure**

Where an employee feels that their grievance has not been satisfactorily resolved they can appeal the decision. The appeal should be made in writing to HR within 10 working days of the written decision being received by the employee. The appeal should set out the reasons why the employee is not satisfied with the decision taken by the panel. The member of staff will then be invited to a meeting in order that the appeal can be discussed.

The appeal should be heard without delay (normally within 10 working days) and should be dealt with impartiality by managers who have not previously been involved in the case and have no conflict of interest, along with a representative from HR. The panel members will be provided with all the material presented at the original hearing.

Workers have the statutory right to be accompanied in the appeal hearing by a fellow worker, trade union representative or full-time trade union official. HR should be notified within 5 working days of the appeal hearing the name, address, job role and any special requirements of the accompanying person, along with any witnesses they wish to call to the appeal hearing. It is up to the complaint to inform witnesses and anyone accompanying them the date, time and venue for the appeal hearing.

**Appeal Decision**

The outcome of the appeal should be communicated to the employee in writing without unreasonable delay and within 5 working days.

The decision taken by the appeal panel will be final.

Flow Chart of Grievance Procedure

**Concerns Raised**

**Individual or Collective**

**Formal grievance – confirmation of written grievance**

**Informal opportunity to resolve grievance**

**Grievance hearing**

**Line manager meets with member of staff informally**

**Confirming the outcome**

**Resolution Agreed**

**Grievance referred to Disciplinary**

**Procedure**

**Grievance not upheld**

**Grievance partially upheld**

**Grievance Upheld**

**Individual / Group remains dissatisfied**

**Individual / Group Satisfied**

**Individual notified of outcome and suggested solutions including the right to appeal the decision**

**Individual notified of outcome and suggested solutions including the right to appeal the decision**

**Individual notified of outcome and suggested solutions**

**No further action**

**Stage 5**

**Appeal**

Time Deadlines in the Grievance Procedure

**Concerns Raised**

**Individual or Collective submitted in writing**

**Formal grievance received – confirmation of written grievance within 3 days of receipt**

**All parties will be provided with relevant paperwork from the employer –**

 **3 days prior to the hearing.**

**All parties should provide the employer with any paperwork they wish to rely on within 5 days of the hearing – this includes the names of any witnesses**

**HR to be notified of Trade Union Representative or**

**Full-Time Official details –**

**2 days prior to hearing**

**GRIEVANCE HEARING**

**Within 15 days of the written grievance being received**

**Confirming the Outcome**

**Decision in writing to complainant –**

 **Within 5 days of hearing**

**Appeal**

**Must be made in writing to the employer within 10 days of written outcome of grievance hearing**

**Appeal Outcome**

**Written decision within**

**5 working days**

 Sample Letters

 Letter 1 – Invite to Grievance Hearing

 Name / Address

 Contact Tel Num

 Email

 Date

 **Strictly Personal and Confidential**

Dear [Name]

 Grievance Hearing

 I am writing to request you attend a grievance hearing in accordance with **[Name of employer]** grievance procedure (copy enclosed).

 The hearing will take place on [day, date] at [time] in [venue].

Depending on the evidence provided at the hearing, the outcome could be that the grievance is referred to the disciplinary procedure.

The hearing will give you an opportunity to set out the details of your complaint [write what the complaint is] as outlined in the enclosed paperwork. [Include copy of written grievance letter].

The grievance panel will comprise of [name], who will chair the meeting along with [insert other names].

[Name of HR representative] will also be in attendance, therefore if you have any queries about the hearing please contact them at least 2 working days prior to the hearing.

You are entitled to be accompanied to the hearing by a fellow employee, a Trade Union Representative or a full-time Trade Union Official.

You may provide written evidence to support your case. This should be submitted to Human Resources at least 5 working days prior to the hearing, together with the name, address and job title of the person accompanying you and if relevant the names of any witnesses you wish to call. Please ensure that you inform any witnesses the date, time and venue of the hearing.

We will provide you with all the paperwork and information that will be made available to the panel members within 3 days of the hearing.

I would be grateful if you would contact me by [date] to confirm your attendance.

Yours sincerely

[Name]

Letter 2 – Outcome of Grievance Hearing

 Name / Address

 Contact Tel Num

 Email

 Date

 **Strictly Personal and Confidential**

Dear [Name]

 Outcome of Grievance Hearing

Further to grievance hearing conducted on [date, time of hearing], I write to confirm the decision of grievance panel.

After looking at the evidence provided the panel’s decision was [state decision and recommendations].

**Or**

After looking at the evidence provided the panel took the decision that this is a matter that should be referred to the Disciplinary Procedure.

You have the right to appeal against the decision of the grievance panel by lodging a written appeal with Human Recourses by [date]. Full details of the appeals procedure are contained within the Grievance Procedure (copy enclosed).

If you have any queries do not hesitate to contact me.

Yours sincerely

[Name]