



Grievance Procedure

Introduction

We foster a culture in which you can raise any workplace problems, complaints or concerns in a supportive framework and we will ensure that all genuine grievances are dealt with quickly and fairly.

Most grievances can be resolved informally. However, if an informal approach does not resolve matters, or is not appropriate, you may choose to raise a formal grievance.

This policy outlines the grievance process, the roles of those involved and support that is available to you.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

Scope

This policy applies to employees of Spinnaker.

If your complaint relates to bullying, you should raise it under our separate bullying procedure.

If you have a grievance that relates to ongoing disciplinary proceedings against you, you should raise this during the disciplinary procedure (for example during the disciplinary meeting or appeal stage).

If you raise a grievance during disciplinary proceedings that is unrelated to those proceedings, the disciplinary proceedings and grievance procedure will normally run independently and in parallel.

Mediation

Depending on the nature of your grievance, we may suggest mediation as a means of trying to resolve it. This involves the appointment of a third-party mediator, who will discuss your grievance with all of those involved and seek to facilitate a resolution. We will use mediation only where you, and the other parties involved in your grievance, agree to do so.

Fairness and Respect

We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.

We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our disciplinary procedure.

If you are invited to a hearing or appeal meeting then you are entitled to be accompanied by a fellow employee or a trade union official.

Remote proceedings

Where it is not possible to hold a face-to-face meeting under this procedure, with the agreement of all parties involved, we will conduct the process remotely. We will ensure that all those participating have access to the necessary technology. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

Adjustments to proceedings

If any aspect of the grievance procedure causes you difficulty because of a disability, or if you need assistance because English is not your first language, you should raise this with the Operations Manager, who will make appropriate arrangements for you.

Recording of meetings

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by us to take notes.

You, or any person acting with you or on your behalf, are not normally permitted to record electronically any meeting that we hold under the grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action.

In certain limited circumstances, and where all parties involved have been informed, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

Raising an informal grievance

In the first instance, you should raise any grievance that you may have informally with the Operations Manager. If your grievance is about the Operations Manager, you should raise this with the CEO.

The Operations Manager will meet with you to give you the opportunity to explain your grievance and seek to identify whether the issue can be resolved informally.

However, while we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate, for example, if your grievance relates to a serious issue such as discrimination. Therefore, if the informal process does not resolve matters or is not appropriate, you should raise a formal grievance under this procedure.

Raising a formal grievance

Where your grievance has not been resolved informally, or if your grievance is serious in nature, you should raise the matter formally in writing.

It is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, we may ask you to clarify your complaint before we hold a grievance meeting.

Your complaint should be headed "Formal grievance" and the email sent to the Operations Manager. If your complaint relates to the Operations Manager, you should send your written grievance to the CEO instead.

Stage 1 - Investigation

Your grievance will be kept confidential as far as possible.

However, before proceeding to a grievance meeting, we may have to carry out an investigation. This will usually be conducted by the same manager who will hear your grievance. The relevant manager will write to you confirming that they are conducting the investigation and the timescale for completion.

The level of investigation and time this will take will vary depending on the nature of your grievance.

You will be given a copy of any evidence collated during the investigation in advance of the grievance meeting. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, we will provide you with an appropriate summary of the evidence.

Stage 2 - Hearing your grievance

The grievance meeting

The grievance meeting will be held within seven working days of receiving your written complaint. However, if this is not possible, you will be informed of the reason for any delay.

You will be entitled to be accompanied by a fellow employee or a trade union official.

The grievance meeting will be conducted by the Operations Manager, unless your grievance relates to the Operations Manager, in which case it will be conducted by the CEO.

The purpose of the meeting is for you to explain the nature of your complaint and what action you feel should be taken to resolve the matter. If more information comes to light, it may be necessary to adjourn the grievance meeting to conduct a further investigation and reconvene the meeting when this has been done.

If you are unable to attend the grievance meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the grievance meeting may take place in your absence, based on your written grievance statement and any other documentation available.

The outcome

Following the meeting, the relevant manager will inform you in writing, usually within seven working days after the meeting, of the outcome and any action that will be taken as a result of your complaint.

Stage 3 - Appeal

Appealing against the outcome

If you are not satisfied with the outcome of your grievance, you may submit a formal appeal.

You should appeal in writing to the Operations Manager within seven working days of receipt of the grievance outcome letter.

Your letter/email should clearly state the grounds of your appeal, i.e. the basis on which you consider that your grievance has not been satisfactorily resolved.

Appeal meeting

We will then arrange an appeal meeting within seven working days to consider the matter. However, if this is not possible, you will be informed of the reason for any delay in writing.

You are entitled to be accompanied by a fellow employee or a trade union official.

The appeal meeting will be conducted by the Chair of Trustees, who will consider your grounds for appeal and review all written relevant documentation, including the conclusion reached in the original grievance meeting.

If you are unable to attend the appeal meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the meeting may take place in your absence, based on your written grievance statement and any other supporting documentation available.

Outcome of appeal

Following the appeal meeting, the Chair of Trustees will inform you in writing of the outcome, usually within seven working days. The outcome of the appeal is final.

Collective grievances

If you and another employee (or more than two of you) have identical grievances and you all wish to have this addressed in one grievance process, you can raise a collective grievance.

If you are raising a collective grievance, the requirements set out in this policy are varied as follows.

Raising a formal grievance

Your complaint should be submitted in writing to the Operations Manager and headed "Formal collective grievance". If your grievance is against the Operations Manager, then it should be sent to the CEO. Your complaint must be submitted in one document and each employee raising the collective grievance must be copied into the email. You and your colleagues will need to nominate one of you to act on behalf of all of you throughout the grievance process. Your grievance letter must identify whom you have appointed to be the nominated representative.

Stage 2 - Hearing your grievance

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance meeting. You will be entitled to be accompanied by a fellow employee or a trade union official. Following the meeting, there will be one identical outcome. Your nominated representative will be notified of the outcome in writing and any action that will be taken as a result of your collective complaint.

Stage 3 - Appeal

If you, or any of your colleagues, are not satisfied with the outcome of your collective grievance, you may submit a formal appeal with the Chair of Trustees. You should appeal in writing to the Operations Manager within seven working days of receiving the collective grievance outcome letter.

Your appeal should be headed "Formal collective appeal". Your appeal must be submitted in one document and must clearly identify those withdrawing from the process and those wishing to appeal must be copied in to the email. Your appeal letter must also identify whom you have appointed to be the nominated representative throughout the appeal stage.

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance appeal meeting with the Chair of Trustees. You will be entitled to be accompanied by a fellow employee or a trade union official. Following the appeal meeting, there will be one identical outcome. Your nominated representative will be notified of the outcome in writing. The outcome of the collective appeal is final.

If only one employee wishes to appeal, the normal grievance procedure will apply to the appeal.

Dealing with your grievances individually

We reserve the right to hear your grievances individually if you do not all voluntarily agree to the collective grievance process, if your grievances are not identical, or there are exceptional circumstances.

Data protection

We process personal data collected during informal complaints and the formal grievance procedure in line with our Data Protection Policy. In particular, data collected is held securely and only accessed by or disclosed to individuals for the purposes of responding to the complaint or conducting the grievance procedure. You should immediately report any inappropriate access or disclosure of employee data in accordance with our data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

All Spinnaker Trust policies and procedures can be found on the team page of our website:
www.spinnaker.org/team/policies

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