

CULBOKIE COMMUNITY TRUST

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Grievance Policy and Procedures Culbokie Community Trust

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Policy adopted on 11th April 2016

Revise as necessary

1 Policy Statement

- 1.1 Culbokie Community Trust Limited (CCT) believes that a well-motivated and highly effective team is essential for the effective performance and conduct of the CCT's affairs. CCT recognises that grievances can arise between members (directors, volunteers, employees) of the team during the conduct of its affairs and also recognises that such grievances require to be resolved on a fair and equitable basis within a reasonable timescale in accordance with an agreed Policy and Procedure. In support of this, CCT has prepared and issued this Grievance Policy and Procedure.
- 1.2 This Grievance Policy and Procedure provides a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. Every effort should be made to deal with these matters promptly within the timescales outlined in the policy and as fairly as possible to avoid them developing into major problems or, potentially, collective disputes.
- 1.3 CCT Board of Directors is responsible for arranging appropriate training and briefing on the use of this Policy and Procedure and the maintenance and updating of records to facilitate its smooth operation.
- 1.4 The Chairperson of the Board of Directors is responsible for the management of CCT and therefore has ultimate responsibility for resolving grievances raised by any member of the team in accordance with this Procedure up to and including Stage 2.
- 1.5 This Grievance Policy and Procedure applies to both individual and collective/group grievances and the same stages should be followed.
Individual grievance – this is where one team member raises a grievance, problem or complaint in respect of their work for the Trust.
Collective/group grievance – this is where a group of team members share the same grievance, problem or complaint in respect of their employment and raise this together.
- 1.6 All team members should be made aware of the Grievance Policy and Procedure and have ready access to it.

2 Scope

- 2.1 The Grievance Policy and Procedure will apply to all Directors, volunteers and employees of CCT.
- 2.2 The Grievance Policy and Procedure will be reviewed as needed but normally every 3 years.
- 2.3 Grievance procedures provide a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. It is not possible to specify all of the issues which may give rise to a grievance; however the main areas will include, but not be restricted to:

- terms and conditions of work or volunteering
- implementation of and/or application of CCT Policies/Procedures
- matters of health and safety
- relationships at work or volunteering
- organisational change/new working practices
- issues relating to equality

2.4 Where a counter grievance is raised during a grievance process, where the cases are related the counter grievance will normally be considered as part of the existing grievance. However, this may not be possible and in these situations the counter grievance will be dealt with separately, either running in parallel with or after the original grievance.

2.5 It is not considered competent to raise a grievance in respect of issues arising from the content of a process of consultation; such issues should be raised as part of the consultation. Once the consultation process has been concluded and where the issues remain unresolved a grievance could then be submitted.

2.6 Where it is identified that a team member has raised a malicious grievance, this matter will be dealt with in-line with Disciplinary Policy and Procedure.

2.7 It is in the best interests of CCT that matters of concerns that could give rise to a grievance are dealt with promptly. Grievances raised in respect of situations, incidents or issues that occurred out with a period of 3 months, would not normally be considered a competent grievance, except where the issue is still ongoing at the time that the grievance is raised.

3 General Principles

3.1 The aim of the Grievance Policy and Procedure is to achieve a satisfactory resolution to a particular problem for all parties involved. The operation of the Policy and Procedure in a satisfactory manner will depend on the adoption of certain general principles, which are in accordance with recognised best practice as detailed below.

3.2 The Grievance Policy and Procedure allows for a series of stages ranging from an informal approach to a formal appeal. In many cases, addressing a grievance informally can resolve the matter and it is hoped that all grievances can be dealt with on this basis. In a small number of cases it may be necessary over a period of time to pursue the grievance through further stages within this procedure in order to resolve the issue(s) raised.

3.3 Decisions relating to a grievance should, if possible be taken at the lowest appropriate level.

3.4 All grievances should be dealt with quickly, fairly and within the agreed timescales outlined within this Policy and Procedure. Where this is not possible, mutually convenient alternative arrangements should be put in place to enable the matter to be resolved as quickly as possible.

- 3.5 Individual and group grievances must be dealt with using the same Policy and Procedure and the same stages should be followed.
- 3.6 At all stages of this procedure (with the exception of agreed mediation) the team member must be given the opportunity to be accompanied by a colleague. There is no right to be accompanied or represented by a Solicitor or other legal representative at any stage of the internal Grievance procedure and CCT does not consider that such representation is appropriate under internal procedures.
- 3.7 The team member raising the grievance has the ability to determine, within limits, the role that he or she wishes the individual accompanying them to play at the hearing; this can include:
- address the hearing on behalf of the team member i.e. put forward the team member's case;
 - confer with the team member during the hearing;
 - sum up the team member's case;
 - respond on the team member's behalf of any views expressed at the hearing;
 - take notes on behalf of the team member;
 - attend as a means of moral support to the team member.
- 3.8 The chair of the hearing/manager is however entitled to expect the team member, and not the individual accompanying them, to answer questions asked.
- 3.9 At all stages of this procedure, the team member must be given the opportunity to state their grievance.
- 3.10 Where any grievance relates to an issue where the outcome might affect more than one individual or have wider consequences for CCT relating to Terms and Conditions of Service or Financial Regulations, CCT will seek advice from an independent adviser regarding the grievance.

4 Procedure

- 4.1 It is important that each case is dealt with by following this procedure in fair, reasonable and consistent manner and within the agreed timescales.
- 4.2 Every effort should be made to resolve the grievance or a potential grievance using an informal approach i.e. discussion with the immediate line manager or through an informal approach by a Board member. However, if informal methods do not succeed and the aggrieved team member remains dissatisfied with the outcome, the formal procedure should be utilised.
- 4.3 Where this is not possible to adhere to the timescales outlined within this Procedure, mutually convenient alternative arrangements should be put in place to enable the matter to be resolved as quickly as possible with this being confirmed in writing to the team member.

- 4.4 CCT recognises that, especially when a grievance relates to another team member, there may be very sensitive issues raised. The aggrieved team member may seek support and help from colleagues in relation to the grievance. CCT assures that at all stages, information discussed will be held in the strictest of confidence and CCT will consider any improper disclosure by anyone involved with the grievance procedure in accordance with the provisions of the Disciplinary Policy and Procedure.
- 4.5 An aggrieved team member may, at any stage, withdraw from this Procedure by giving notice of their intention to do so. This must be done in writing and in such circumstances the team member will be deemed to have abandoned their grievance.
- 4.6 Where a grievance has already been raised but not resolved to the satisfaction of the team member, even at the completion of all stages of this Procedure, the team member cannot restart the Procedure in relation to the same matter.
- 4.7 All timescales are defined in calendar days.

5 Informal Stage

- 5.1 Any team member who is aggrieved on any matter relating to their job or volunteering with CCT should in the first instance discuss this with their line manager. Alternatively where the matters concern the line manager, the issue should be referred, under the informal stage of the Procedure to the CCT Chairperson or designated Board member.
- 5.2 Every attempt should be made to resolve the matter through the informal discussions. An informal meeting should be arranged between the team member and the line manager as soon as possible and certainly within 14 days of notification of the issue. The team member should be provided with the opportunity to be accompanied to this meeting by a colleague or representative.
- 5.3 Where it is not possible to hold the meeting within the 14 day timescale a mutually convenient alternative date for the meeting is arranged as soon as possible. Confirmation of the reason for the delay and alternative arrangements should be sent to the team member in writing.
- 5.4 The line manager should ensure that an informal note of the meeting is taken and should include the date and time of the meeting, issues raised and agreed actions/outcomes. This could be noted in the form of a diary entry. No formal minute of the meeting should be taken or used in later stages of the procedure.
- 5.5 Depending on the nature of the grievance as part of the informal stage, it may be appropriate for the matter to be dealt with by way of mediation by an independent third party. Mediation would only be used where all parties

involved in the grievance agree. The manager should contact the Board for advice where it is considered that mediation could be a possible way forward.

6 Formal Stages

6.1 Stage 1

- 6.1.1 If, after attempting to resolve the grievance informally, the team member is dissatisfied with the response, or no response has been forthcoming within the 14 day period, the team member can initiate Stage 1 of the Formal Procedure.
- 6.1.2 The team member should raise the matter, in writing by submitting the Notification of Formal Grievance Form (Appendix 1) to their line manager clearly stating the details of the grievance including the exact nature of the grievance and the resolution that is being sought. Where it is not appropriate to submit the Notification of Formal Grievance to the line manager this should be submitted to the Company Secretary. This may be necessary when the line manager is part of the team member's grievance or if the line manager does not have the authority to resolve the issues raised in the grievance. In these circumstances, submission of the Notification of Formal Grievance to the Board does not constitute an escalation of the Grievance to Stage 2 of the process.
- 6.1.3 The person to whom the Notification of Formal Grievance has been addressed will convene a formal grievance hearing, within 14 days from receipt of the grievance. Where it is not possible to hold the hearing within the 14 day timescale a mutually agreed alternative date should be made with the team member or their representative, where they are acting on behalf of the team member. Confirmation of this should be sent to the team member in writing.
- 6.1.4 The team member will normally be provided with at least 7 days' notice of the formal grievance hearing.
- 6.1.5 The team member is entitled to be accompanied to the hearing by either a colleague or representative.
- 6.1.6 The team member is entitled to submit and refer to relevant documentation in support of their grievance. Such documentation should be submitted along with the Notification of Formal Grievance. When this is genuinely not possible any documentation to be referred to in support of the grievance must be submitted to the Chair of the grievance no later than 2 days in advance of the hearing.
- 6.1.7 Witnesses can be called by either the team member or management representative. The names of witnesses to be called to a hearing should be notified either in the Notification of Formal Grievance or to the Chair of the hearing no later than 2 days prior to the hearing.

- 6.1.8 The Chair of the hearing should arrange for a note of the hearing to be taken for their information. This note is not a formal minute of the hearing and is therefore not subject to agreement by the team member or their representative. The note of the meeting should be shared with the team member/their representative upon request.
- 6.1.9 The outcome of the hearing will be confirmed in writing to the team member within 7 days of the conclusion of the hearing, or within another agreed timescale where necessary and agreed between all

6.2 Stage 2

- 6.2.1 Where the team member is dissatisfied with the decision at Stage 1, they are able to have the matter heard by a person nominated by CCT. This might be the chairperson or another Board member.
- 6.2.2 Where the Chairperson heard the grievance at Stage 1, the Stage 2 grievance would be heard by an appropriate CCT nominee.
- 6.2.3 The team member should submit in writing using the Notification of Grievance Appeal Form (Appendix 2) within 14 days of receipt of the written outcome of the Stage 1 hearing. The Notification of Grievance Appeal must clearly state why the team member remains dissatisfied with the outcome of the Stage 1 Grievance Hearing, this will normally, but not exclusively be limited to the following:
- failure to follow appropriate procedures in the previous stage of the grievance process;
 - the decision reached at the previous stage of the grievance was not supported by the evidence presented;
 - the proposed action to resolve the grievance is inappropriate given the circumstances; or
 - new information has come to light since the original grievance which has a significant impact on the decision reached.
- 6.2.4 Where the grounds of appeal do not fall within those identified above, the team member should note the specific grounds for appeal under 'Other' on the Notification of Grievance Appeal Form.
- 6.2.5 The Notification of Grievance Appeal should be submitted to the CCT Chairperson or the CCT nominee.
- 6.2.6 The CCT chairperson or nominee, on receipt of the Notification of Grievance Appeal form will convene a formal grievance hearing within 14 days. Where it is not possible to hold the hearing within the 14 day timescale the team member should be advised of the delay, the reason for this and a mutually convenient date for the meeting agreed. Confirmation of this should be sent to the team member in writing.
- 6.2.7 The team member will normally be provided with at least 7 days' notice of the formal grievance hearing.

6.2.8 A grievance beyond stage 1 should **not** be considered as a re-run of the original grievance and no new grievances should be raised. Any information or documentation being submitted beyond stage 1 should only be considered where it has either genuinely come to light since the original grievance hearing or where it is considered by either the team member or management representative that it has a significant impact on the decision reached at the previous stage in the process. Where such information or documentation is to be submitted; this must be submitted to the Chair of the hearing as soon as possible, and no later than 2 days in advance of the hearing.

6.2.9 The team member is entitled to be accompanied to the hearing by either a colleague or representative.

6.2.10 It would not be normal practice for witnesses to be called to attend a hearing beyond Stage 1 of the process. Attendance of witnesses beyond stage 1 should only be where the information that they have to provide is considered by either the team member or management representative as having a significant impact on the decision reached at the previous stage in the process. It would not be considered necessary to call witnesses beyond stage 1 simply to cover information already presented at a previous stage in the process.

6.2.11 The Chair of the hearing should arrange for a note of the hearing to be taken for their information. This note is not a formal minute of the hearing and is therefore not subject to agreement by the team member or their representative. The note of the meeting should be shared with the team member for information upon request.

6.2.12 The outcome of the hearing will be confirmed in writing to the team member within 7 days of the conclusion of the hearing, or within another agreed timescale where necessary and agreed between all parties.

The internal grievance procedure shall be exhausted after Stage 2 and the decision of the Chair of the hearing shall be final and binding on all parties involved.

7 Grievance Not Concluded at the time of the team member leaving role in CCT

7.1 Where a grievance has been raised by a team member under the formal stages of the process, but these stages have not been concluded by the time their involvement with CCT ends, their Grievance should be dealt with in accordance with the formal stages of this Policy and Procedure.

8 Grievance Procedure – Director/volunteer/employee

8.1 If a grievance is raised by a Director/volunteer/employee the matter should be referred, in the first instance to the line manager or Chairperson who will make the appropriate arrangements. If this course of action is not appropriate, the matter should be referred to the CCT Company Secretary.

8.2 If a grievance is submitted by a Director/volunteer/employee against a decision or actions of the Chairperson, written notification should be submitted to CCT Company Secretary, who in conjunction with an appropriate CCT Board member will make appropriate arrangements to deal with the complaint.

8.3 Thereafter, if the Director/ volunteer/employee is still dissatisfied, the Director/ volunteer/employee will be able to pursue the grievance independently.

9 Conduct of a Grievance Hearing

9.1 The format of a grievance hearing is outlined below:

9.2 At the outset of the hearing the Chair should confirm to all parties present the stage at which the hearing is being held and that the hearing is being held under CCT Grievance Policy and Procedure.

9.3 The team member or their representative presents evidence in support of their grievance. The team member can request that witnesses attend, and submit information /documentation for consideration by the Chair. Information and documentation to be considered in support of a grievance should normally be submitted with the Notification of Formal Grievance.

9.4 Where witnesses are to be called, this should be advised prior to the hearing in the Notification of Formal Grievance. It is the responsibility of the Chair of the hearing to make arrangements for witnesses to attend.

9.5 Where the team member has exhausted Stage 1 of the formal procedure and is now presenting their grievance at Stage 2, they should focus on the reasons why they remain dissatisfied with the outcome of Stage 1, it should not be seen as a rerun of the stage 1 grievance.

No new grievances may be raised at this stage, and new information or documentation should only be submitted where it has either genuinely come to light since the original grievance hearing or where it is considered by either the Team member or CCT representative that it has a significant impact on the decision reached at the previous stage in the process.

All information/documentation must be submitted to the Chair a minimum of 2 days in advance of the hearing.

9.6 Witnesses are called for the aggrieved party; they may be required to answer questions from the team member or their representative, the respondent, the Chair and the adviser to the Chair.

9.7 The respondent states their case and responds to the allegations and or questions from the team member or their representative. They can also call witnesses and submit information/documentation for consideration should they wish.

9.8 Witnesses are called for the respondent; they may be required to answer questions from the team member or their representative, the CCT representative, the Chair and the adviser to the Chair.

9.9 The respondent should be asked to sum up their case; no new information should be introduced during summing up which has not been referred to previously in the hearing or within the written submissions.

9.10 The team member or their representative should be asked to sum up their grievance; no new information should be introduced during summing up.

9.11 Having heard both sides but before reaching a decision or proposing a solution/way forward, the Chair should seek clarification on any points raised and summarise their understanding of the grievance and submission by CCT and the team member/their representative.

9.12 The Chair should adjourn the hearing, with all parties asked to leave the room to consider their decision with advice from their adviser.

9.13 Where possible a decision/outcome should be reached on the day of the hearing and communicated verbally to all parties. The decision of the Chair must always be conveyed in writing to both parties in accordance with the agreed timescales, normally within 7 days of the hearing, advising of the next stage in the process open to the employee should they remain dissatisfied.

9.14 Should the team member raising the grievance fail to attend the grievance hearing or make contact in advance to re-arrange the hearing to an alternative date where the proposed date is unsuitable, the Chair of the hearing, taking advice from their adviser, can decide to progress the hearing in the absence of the team member.

9.15 Where a request to re-arrange a hearing is received the hearing would normally be re-arranged to a date within 7 days of the original hearing and only 1 re-arrangement would be permitted. After this the Chair of the hearing, taking advice from their adviser, can decide to progress the hearing in the absence of the team member.

9.16 Where a team member raising a grievance is genuinely unavailable due to illness a re-arranged date should be made as soon as in practically possible

APPENDICES

Appendix 1 Notification of Formal Grievance (Stage 1)

Appendix 2 Notification of Grievance Appeal (Stages 2)

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NOTIFICATION OF FORMAL GRIEVANCE (STAGE1)

APPENDIX 1

Team Member Details

Name	
Position	
Line Manager	
Contact Address	
Contact Phone Number	

Detail of Grievance (please fully outline the matter/s with which you are aggrieved)

Please continue on a separate sheet if required.

Resolution Sought (give detail of the outcome that you are seeking)

Please continue on a separate sheet if required.

Name of Individual who will accompany you to Grievance Hearing

Name	
Contact Address	
Contact Phone Number	
Status	Colleague/Official rep/Other _____

Witnesses

You can, should you wish, ask for witnesses to attend the grievance hearing. The Chair of the hearing is responsible for making arrangements to ask witnesses to attend, please detail below the names of witnesses that you would wish to attend, or indicate that you do not intend to call witnesses.

I intend to call witnesses as part of my grievance YES / NO

I will submit details of witnesses to the Chair in advance of the hearing YES / NO

Names of Witnesses to be called

Documentation in Support of Grievance

You can, should you wish, submit information or documentation for consideration as part of your grievance. Please indicate below if you intend to do so.

Should you intend to submit documentation and you are not including it with the Notification of Formal Grievance, this must be submitted to the Chair of the hearing no later than 2 days before the hearing.

I intend to submit additional documentation as part of my grievance YES / NO

I enclose this documentation with this form YES / NO

I will submit this to the Chair in advance of the hearing YES / NO

Employee Declaration

I confirm that the information provided as part of this grievance is accurate and truthful. I am aware that raising malicious grievances is a matter that could lead to action being taken against me under the CCT Disciplinary Policy.

Signature: _____ Date: _____

You should submit your Notification of Formal Grievance to the CCT Chairperson. Where this is not appropriate as outlined in the Grievance Policy and Procedure you should submit the form to the CCT Company Secretary.

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NOTIFICATION OF GRIEVANCE APPEAL (STAGE 2)

APPENDIX 2

Team Member Details

Name	
Position	
Line Manager	
Contact Address	
Contact Phone Number	

Name of Individual who will accompany me to Grievance Hearing

Name	
Contact Address	
Contact Phone Number	
Status	Colleague/Official rep/Other _____

Summary of Grievance Process

Please summarise how your grievance has been progressed to date:

Informal Stage

Dealt with by: _____

Stage 1

Heard by: _____ Date: _____

Grounds for Grievance Appeal

- failure to follow appropriate procedures in the previous stage of the grievance process.
- the decision reached at the previous stage of the grievance was not supported by the evidence presented.
- the proposed action to resolve the grievance is inappropriate given the circumstances.
- new information has come to light since the original grievance which has significant impact on the decision reached.
- other, please specify below.

Detail of Grievance Appeal

Please state the specific reasons you remain dissatisfied in respect of the outcome of the previous stage/s of the grievance process.

Please continue on a separate sheet if required.

A grievance hearing beyond stage 1 should not be considered a re-run of the original grievance; no new grievances should be introduced.

Documentation in Support of Appeal

New information or documentation should only be submitted where it has either genuinely come to light since the original grievance hearing or where it is considered that it has a significant impact on the decision reached at the previous stage in the process.

Should you intend to submit documentation and you are not including it with the Notification of Grievance Appeal, this must be submitted to the Chair no later than 2 days before the hearing.

I intend to submit additional documentation as part of my appeal YES / NO

I enclose this documentation with this form YES / NO

I will submit this to the Chair in advance of the hearing YES / NO

Witnesses

Attendance of witnesses beyond stage 1 should only be where the information that they have to provide is considered as having a significant impact on the decision reached at the previous stage in the process.

It would not be considered necessary to call witnesses beyond stage 1 simply to cover information already presented at a previous stage in the process.

Please detail below the names of witnesses that you would wish to attend, or indicate that you do not intend to call witnesses.

I intend to call witnesses as part of my appeal YES / NO

I will submit details of witness to the Chair in advance of the hearing YES / NO

Names of Witnesses to be called

Employee Declaration

I confirm that the information provided as part of this grievance is accurate and truthful. I am aware that raising malicious grievances is a matter that could lead to action being taken against me under the CCT Disciplinary Policy.

Signature: _____ Date: _____

You should submit the Notification of Grievance Appeal, within 14 days of receiving the written outcome from the previous stage of the grievance process to (Stage 2) the CCT Chairperson or the CCT nominee.

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