

## **Grievance Procedure for Staff**

### **Purpose**

1. The Voluntary Management Committee intends to deal with all grievances promptly and to treat all members of staff fairly, reasonably and consistently.
2. This procedure is designed to enable members of staff to raise issues with the Voluntary Management Committee about their work or about their employer's or their fellow members of staff's actions that affect them. These issues could include, for example; equal opportunities issues; perceived unreasonable requests by a senior member of staff or colleagues; or perceived unfair treatment in working practices. This procedure is designed to comply with the government's statutory grievance procedure.
3. Where more than one member of staff has lodged a grievance relating to the same or substantially the same issues, the Voluntary Management Committee may deal with the grievances together in the interests of fair and consistent decision-making.
4. This procedure does not apply to the settlement of a grievance relating to public interest disclosures (whistle blowing); allegations of personal harassment; allegations of bullying; appeals against disciplinary decisions; decisions relating to selection for redundancy; or decisions about grading and promotion. Separate procedures are in place for each of these situations. In the event of a grievance arising as a result of a practice or agreement, whatever existed prior to the grievance shall continue to operate until the procedure has been exhausted. It is the right of the employee to report any grievances to the LADO if safeguarding concerns are not dealt with in the setting.

5. The procedure does not cover issues that a recognised trade union has raised, as a dispute, with the Voluntary Management Committee.
6. In appropriate cases, the institution will offer facilities for mediation, subject to agreement by all parties involved.

### **Failure to raise a grievance**

Failure to raise a grievance in writing that meets the government's statutory grievance procedure may prevent a member of staff from bringing a claim in an employment tribunal. Staff should seek to resolve grievances within the setting by using this procedure and should not normally seek redress outside of the Voluntary Management Committee without having first exhausted internal procedures. Unless there are specific mitigating circumstances, grievances will not normally be heard if a member of staff fails to raise the grievance more than three months after the group of individual's last action, incident or behaviour occurred.

### **Former member of staff**

In the event of a former member of staff raising a grievance they must set out the grievance, and the basis for it, in writing, within three calendar months of leaving The Base and send a copy to their former line manager who will respond in writing within seven working days.

### **Representation**

At any stage in the procedure, a member of staff who attends a meeting to discuss their grievance has the right to be accompanied by a work colleague or by a trade union representative.

## **Communication and training**

The Voluntary Management Committee aims to raise all staff's awareness of their rights and responsibilities under this policy. Training will be provided to managers to ensure that they gain the knowledge, skills and experience necessary to be able to operate the Voluntary Management Committee's policy and relevant legislation effectively, and to disseminate it to staff.

## **Equality**

This procedure has been produced with the aim of supporting the Voluntary Management Committee's overall strategy to embrace diversity and welcome individuals from all backgrounds. When using this procedure, the Voluntary Management Committee expects members of staff to treat all colleagues fairly and with respect and will take action against acts which breach the policy on diversity. A member of staff who for any reason finds this procedure difficult to read or follow should contact their local pre-school organisation or seek guidance on [www.acas.org.uk](http://www.acas.org.uk) for alternative formats of this procedure.

## **Procedure**

### **Informal grievance procedure**

As far as is practicable, grievances should be dealt with and resolved informally by discussion between the aggrieved member of staff and, normally, their Senior Manager. If a grievance names another individual as the cause of the complaint, the Senior Manager will discuss the grievance with both parties and see to bring the individuals together in order to resolve the dispute informally. Both senior manager and member of staff may find it helpful to keep a note of such an informal meeting. The formal procedure should be implemented only when

- Informal action has failed to resolve the issue

- Informal action is not making progress at reasonable speed
- The member of staff has left The Base employment.

## **Formal grievance procedure**

### ***Stage 1***

If informal resolution is not possible or does not produce a result with which they are content, the aggrieved member of staff should raise the matter formally with their manager. If the grievance is against the manager, they should

- State the facts alleged
- Identify the issue or subject of the grievance
- Specify the remedy sought

Within seven working days of receiving the written grievance, the manager should arrange a meeting to discuss this with the person aggrieved and their representative. As far as possible, the time and place for the meeting should be agreed between the aggrieved member of staff and the manager. The meeting should be held in a private room and should be free from interruptions.

If the person accompanying the member of staff cannot attend on the proposed date, the member of staff can propose another date, which must not be more than five days after the date originally proposed.

The manager should then obtain relevant information and, not later than seven working days after the discussion, inform the aggrieved member of staff, in writing of:

- The manager's view of the facts

- The manager's decision or recommendation
- The date Stage 1 of the procedure ends, which will usually be the date the manager indicates is the final discussion under Stage 1
- The right to proceed to Stage 2, if the member of staff is not satisfied with the outcome

## **Stage 2**

If the grievance is not resolved at Stage 1, the member of staff should write to the Senior member of the Voluntary Management Committee .

The Stage 2 grievance should be lodged with the Senior member of the Voluntary Management Committee not later than 10 working days after the end of Stage 1. Before lodging a Stage 2 grievance, a member of staff may wish to consult a trade union representative or a work colleague.

Once a Stage 2 grievance is lodged, the Senior member of the Voluntary Management Committee should:

- Inform the manager
- Arrange a meeting of the Senior member of the Voluntary Management Committee , the manager, the aggrieved member of staff and their representative and the staff Liaison Officer. This meeting should take place as soon as practicable and not later than 20 working days after the grievance was lodged.
- Give at least seven working days written notice of the date, time and place of the meeting to all concerned.

The Senior member of the Voluntary Management Committee should:

- Investigate the grievance before the meeting
- Hear the grievance
- Discuss the grievance with all parties at the meeting
- Investigate further, if necessary, and make a decision

- Write to the member of staff (and any person complained about) detailing their decision and the reasons for it not later than seven working days after the meeting
- Inform the member of staff of their right of appeal under Stage 3

### **Stage 3: Appeal**

A member of staff who is not satisfied with the Senior member of the Voluntary Management Committee's decision may appeal, in writing, to the Chair Person of the Voluntary Management Committee. Any appeal must

- Be lodged not later than 5 working days after Stage 2 meeting
- State the grounds for the appeal
- Identify the remedy sought by the member of staff

Once an appeal is lodged, the Senior member of the Voluntary Management Committee should: if the Senior member of the Voluntary Management Committee needs further assistance with the grievance in hand then they may need to seek advice and guidance from an outside legal practice, recognised by MortonMichel.

- Set up an appeal panel to consist of a member of the Senior Voluntary Management Committee Team, the Chairperson or nominee and any other member of staff the Senior Manager considers appropriate (i.e. EYDCP)
- Arrange a hearing of the appeal as soon as is practicable and normally within 20 working days of the appeal being lodged.
- Give all concerned at least seven working days notice of the hearing.
- Supply the appeals panel members with a copy of the original grievance, any amendments, and a full copy of all documents from earlier meetings at least five working days prior to the hearing.

The member of staff and the person against whom the grievance lies may be accompanied by a colleague or a trade union representative. They may call witnesses, ask questions of each other and of the Voluntary Management Committee. The appeal panel members may ask questions of the aggrieved member of staff, the person against whom the grievance lies and any witnesses called. They may also call any other person they consider appropriate and ask questions.

The Senior Manager will:

- Chair the Stage 3 meeting
- Record the panel's decision
- Inform or confirm the decision, in writing, to the member of staff, any person complained about and the Voluntary Management Committee, within seven working days of the Stage 3 hearing.

If the outcome of the grievance is the implementation of the disciplinary procedure against another member of staff, the aggrieved member of staff will be notified that a disciplinary hearing will be taking place and the date of the hearing will be given, but the aggrieved member of staff will not receive details of the outcome of the disciplinary hearing.

### **Data Protection**

The data collected in the course of following this procedure will be used for the purpose of handling grievances cases, as evidence in any relevant legal proceedings and to monitor and manage staff issues. Records of the grievance interview and correspondence shall be held in confidence in the member of staff's personal file for the life of those records, details of which can be found in the policy on data protection for members of The Base staff.

The Senior Manager will not pass personal information directly to any representatives who may be assisting a member of staff, unless a written instruction to do so is received from that member of staff.

### **Monitoring**

The effectiveness of this procedure will be ensured by continuous monitoring, annual review and consultation with staff groups. The results of the monitoring process will be published.

It will be the responsibility of the Senior Manager to monitor the effectiveness of this procedure. This will include:

- Assessing the nature and frequency of complaints or cases and identifying any patterns, which need to be addressed.
- Monitoring individual complaints or cases to ensure that they are effectively resolved and that no victimisation occurs

The operation of The Base policies will be monitored by the Senior Play Worker reporting through the Voluntary Management Committee. As part of the process, and prior to the reports being finalised, the Senior Voluntary Management Committee member will discuss any key issues with the trade unions and incorporate their views accordingly.

While this procedure is to be followed by all staff at The Base, it does not form part of a member of staff's contract of employment.

**Signed** \_\_\_\_\_ **(Manager)** \_\_\_\_\_ **(Date)**

**Signed** \_\_\_\_\_ **(Chairperson)** \_\_\_\_\_ **(Date)**

