**Grievance policy and procedure**

*Approved by the Board, 24/09/2020, due for review 24/09/2023*

## Purpose and scope of the procedure

Grievances are “concerns, problems or complaints that employees raise with their employers.” The purpose of this statement is to set out the manner in which grievances may be resolved fairly and speedily.

The purpose of the grievance procedure is to ensure that, as far as possible, grievances are dealt with and resolved informally through discussion between the aggrieved employee and The New Cross Gate Trust (The Trust). However, before using the grievance procedure it is expected that an employee will try to resolve their complaint informally if at all possible.

The formal stage of the procedure should only be used when the informal stage has failed to resolve the issue or is not making progress at reasonable speed.

In appropriate cases The Trust may offer facilities for mediation or a restorative approach.

This procedure takes account of the ACAS code of practice on grievance procedures and will be reviewed periodically in line with developments in good practice.

**Policy Aims**

The aim of this Grievance Procedure is to resolve grievances fairly and rapidly, and before issues impact negatively on The Trust’s business. Every effort will be made by The Trust to resolve issues at the earliest possible stage.

The Trust seeks to facilitate a fair grievance procedure which enables:

* The Trust and its staff to negotiate issues promptly and consistently, including the conduct of necessary investigations.
* Employees to have an opportunity to put their case.
* Employees to have a process to appeal against decisions in those areas covered by this code.

The Trust’s policy encompasses those areas indicated in the ACAS Code of Practice definitions of grievance, which include:

* Terms and conditions of employment;
* Health and safety;
* Work relations;
* Bullying and harassment;
* New working practices;
* Working environment;
* Organisational change;
* Discrimination; and
* Whistleblowing.

**Scope**

The policy applies to all members of staff.

## Principles of the procedure

The procedure is based on the following principles:

* A staff member has the right to be accompanied by a work colleague, trade union representative or a friend at every stage of the formal procedure.
* Your companion may state your case during the hearing, sum up your case at the end or respond on your behalf to any view expressed at the hearing. They may also confer with you but do not have the right to answer questions on your behalf or address the hearing if you do not want them to do so, or prevent anyone from making their contribution at the hearing.
* The procedure is internal to The Trust and apart from the foregoing, employees may not be legally represented at any stage of the procedure.
* Any grievance must be made in writing.
* It is only possible to hear complaints that are within the power of The Trust to remedy.

Reference to a Human Resources consultant for independent expert advice may be appropriate.

All proceedings, whether informal or formal, should, so far as is practicable, remain confidential.

A formal record of a hearing will be given to the employee.

Where more than one employee has lodged a complaint relating to the same, or substantially the same, issue, the complaints may be dealt with together in the interests of fair and consistent decision-making.

The procedure has three stages, as set out below. At each stage formal records shall be kept and the result of each stage confirmed in writing. The employee should keep their own record and is entitled to record their disagreement as to the accuracy of the formal records or of the result.

*Stage 1*

If you have a grievance about a matter concerned with your employment you should set out your grievance in writing and send the statement or a copy of it to your line manager.

*Stage 2*

You will be invited you to a meeting to discuss the grievance. You have the right to be accompanied at this meeting by a work colleague, trade union representative or a friend.

After the meeting you will be informed of The Trust’s response to your grievance.

*Stage 3*

If you wish to appeal against The Trust’s response to your grievance you should contact your line manager, or Chair of the HR committee who will arrange for an appeal hearing meeting.

You have the right to be accompanied at this meeting by a work colleague, trade union representative or a friend.

The appeal will be dealt by a Trustee who will not have been involved in the first meeting.

**Links to other policy documents:**

Whistleblowing

Staff Code of Conduct

Disciplinary policy and procedure

**Data protection**

The Trust processes personal data collected during informal complaints and the formal grievance procedure in accordance with its [data protection policy](http://www.xperthr.co.uk/policies-and-documents/data-protection-policy-compliant-with-the-gdpr-/162690/). In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.