

## **GRIEVANCE POLICY AND PROCEDURE**

### **1 Grievance Policy Statement**

St Helen's Pre-School is committed to an open and honest method of working. Employees should raise any difficulties arising, (or experienced by employees as a result of actions or omissions by the organisation), immediately with their line manager or a member of the Management Committee (MC).

### **2 Grievance Procedure**

#### **Step1: Inform the Employer**

The employee should inform the employer of his/ her grievance.

Line managers or a member of the MC should deal with all grievances raised, whether or not the grievance is presented in writing. However, employees need to be aware that if the statutory procedure applies, they will **not** subsequently be able to take the case to an employment tribunal unless they have first raised a grievance **in writing** and waited a further 28 days before presenting the tribunal claim.

Where there is no line manager, or the issue relates to the conduct of the line manager or another colleague, and the employee feels unable to approach them directly, a member of the MC should be notified.

#### **Step 2: Meeting and Decision**

On receiving a formal grievance, a manager should invite the employee, in writing, to a meeting as soon as possible and inform them that they have the right to be accompanied. It is good practice to agree a time and place for the meeting with the employee. If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the employer. The five-day time limit may be extended by mutual agreement.

The employee should be allowed to explain their complaint and say how they think it should be settled. If the employer reaches a point in the meeting where they are not sure how to deal with the grievance, or feel that further investigation is necessary, the meeting should be adjourned to get advice or make further investigations. This might be particularly useful in small organisations that lack experience of dealing with formal grievances. The employer should give the grievance careful consideration before responding.

The employer should respond in writing to the employee's grievance within a reasonable timescale, and should let the employee know that they can appeal against the employer's decision if they are not satisfied with it. What is considered reasonable will vary from organisation to organisation, but five working days is normally long enough. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and told when a response can be expected.

### **Step 3: Appeals**

If an employee informs the employer that they are unhappy with the decision after a grievance meeting, the employer should arrange an appeal. It should be noted that the appeal stage is part of the statutory procedure and if the employee pursues an employment tribunal claim, the tribunal may reduce any award of compensation if the employee did not exercise the right of appeal. As far as is reasonably practicable, the appeal should be with a more senior manager than the one who dealt with the original grievance. In small organisations, even if there is no more senior manager available, another manager should (if possible) hear the appeal. If that is not an option, the person overseeing the case should act as impartially as possible. At the same time as inviting the employee to attend the appeal, the employer should remind them of their right to be accompanied at the appeal meeting.

As with the first meeting, the employer should write to the employee with a decision on their grievance as soon as possible. They should also tell the employee if the appeal meeting is the final stage of the grievance procedure.

### **Step 4: Keeping Records**

It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Records should include:

- The nature of the grievance raised;
- A copy of the written grievance;
- The employer's written response;
- Action taken;
- Reasons for action taken;
- Whether there was an appeal and, if so, the outcome; and
- Subsequent developments.

Records should be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request to have access to certain personal data.

Copies of meeting records should be given to the employee including any formal statements that may have been taken. In certain circumstances (for example, to protect a witness), the employer might withhold some information.

**Summary:** Under the statutory procedure, employees must

Step 1
Inform the employer of their grievance in writing
Step 2
Be invited by the employer to a meeting to discuss the grievance, where the right to be accompanied will apply, and be notified in writing of the decision. The employee must take all reasonable steps to attend this meeting.
Step 3
Be given the right to an appeal meeting if they feel the grievance has not been satisfactorily resolved, and be notified of the final decision.