



## GRIEVANCE POLICY AND PROCEDURES

### Principles

This document should be read in conjunction with all other policies relating to employment i.e. Equal Opportunities – **PP20**, Disciplinary Procedures – **PP15**, Health and Safety – **PP02**, and Safeguarding and Child Protection – **PP12**, and is specific to an individual's grievance.

### 1. Purpose

- a. The Let's Play Project is committed to providing a harmonious and safe working environment and recognise the importance of encouraging a culture of openness in which employees can express their concerns without any fear of reprisal. This policy is designed to help employees who have a Grievance to raise it. This policy sets out the correct process to follow for an employee to raise their Grievance.
- b. All staff (Core Staff/Playworkers) are encouraged to raise their queries and problems freely whether it concerns their work, their working environment or their working relationships. Volunteers should refer to follow the Charity's 'Complaints Policy'. It does not apply to redundancy situations or the non-renewal of fixed-term contracts on their expiry.
- c. Employees should use the Safeguarding Policy (including whistle blowing) when they wish to raise matters of concern with regards to malpractice or criminal offences or if they have Safeguarding concerns.

### 2. What is a Grievance

Anyone working at the Let's Play Project may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to address with management. Issues that may cause Grievances can include:

- Terms and Conditions
- Health & Safety
- Work Relations
- Bullying & Harassment
- New Working Practices
- Working environment
- Changes
- Discrimination

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Grievances may be raised about matters outside the control of the Let's Play Project, for example a supplier relationship. These matters will be treated in the same way as a Grievance within the charity.

### 3. Principle

When operating the Grievance Policy & Procedure, the Let's Play Project is committed to fairness and transparency and will aim to ensure the following:

- Matters will be dealt with promptly and will not be unreasonably delayed
- At all stages of the formal Grievance process the employee raising the Grievance will have the right to be accompanied
- Employees will have the right to Appeal against any Grievance outcome

### 4. The Procedure

#### *Informal Procedure*

Firstly, an employee should speak to their Line Manager about their Grievance. Most Grievances can be solved quickly and easily and are often just due to a misunderstanding, lack of communication or mistakes. If the Grievance is in relation to their Line Manager or, the employee doesn't feel comfortable talking to their Line Manager, they should speak to a Member of the Board of Trustees.

If appropriate, mediation via the Board of Trustees will be offered to help resolve issues where it is thought that tackling any underlying relationship issues is the most appropriate course of action. Mediation is a voluntary process where the mediator helps those in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved what they should do. The mediator oversees the process of seeking to resolve the problem but not the outcome.

If the Grievance isn't solved informally the employee should proceed with the formal Grievance Process.

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## *Formal procedure*

The sooner the employee tells us about their Grievance, the sooner it can try to be resolved. If the employee chooses not to raise a Grievance promptly, it will become more difficult to investigate it thoroughly, and in some circumstances, it may not be practical to pursue their Grievance due to the time lapse between the incident or problem occurring, and the employee raising it.

### Stage One ~ Grievance Letter

The employee should put their Grievance in writing and send it to The Board of Trustees. The Grievance letter needs to specify clearly:

- the Grievance that they wish to raise and the basis for it
- that they have tried to address their Grievance informally first and if not, why not
- why addressing their grievance informally did not address the situation satisfactorily?
- what resolution they are seeking

It helps to put as much detail in the Grievance letter as is possible for it to be investigated fully. Ideally, the Grievance letter should include the date(s) of any alleged incidents; the person(s) involved; the name(s) of any witness and the facts about what happened.

The Board of Trustees will set up a meeting date at which the issues will be discussed. The meeting will be held as soon as reasonably practicable upon receipt of the Grievance Letter. There will be two representatives from Let's Play present at the meeting.

The employee has the right to be accompanied during the meeting.

The meeting will commence the Grievance Investigation.

### Stage Two ~ Grievance Investigation

The person with the grievance should be made aware of this procedure

The person should be informed that a written record of the discussions will be taken at each stage and that they will be given a copy of the meeting notes and its outcome as soon as possible. On receipt of a formal Grievance letter, the Let's Play Project will allocate a Grievance Chair. This would usually be somebody more senior to the employee who has raised the Grievance and/or any employees who are the subject of the Grievance and will, wherever possible, be the employee's Line Manager. If the Line Manager is not appropriate, someone unconnected to anyone involved in the Grievance will be allocated.

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Let's Play take all Grievances seriously and the first stage of the Grievance Investigation enables the Grievance Chair to make sure that they have all the information they need from the employee raising the Grievance to investigate it thoroughly. This will involve meeting with the employee raising the Grievance.

Employees and their companions should make every effort to attend the meeting. Reasonable adjustments will also be made to accommodate the needs of an employee with a disability. The employee will be able to set out their case and draw any relevant evidence to the Chair's attention to ensure that evidence is taken into account. There will normally be a note taker/company witness present alongside the Grievance Chair. The written record of the discussion and the outcome will be given to each person attending the meeting.

Following the meeting with the employee raising the Grievance, the Grievance Chair will investigate the matter further. It may be that the Grievance Chair needs to meet with the employee raising the Grievance a number of times during the process in order to make sure all areas are being fully investigated.

The Let's Play Project will endeavour to make sure that investigations are undertaken promptly; both because people's recollections of events will fade over time, and because it's important to resolve the matter as quickly as possible for the benefit of all those involved. However, there may be times where this is not possible, for example, when matters are being investigated by the police and any Grievance Investigation would impact negatively on their proceedings. It may take some time to complete the Grievance Investigation, depending on how long the enquiries may take; availability of witnesses etc.

If an employee (not the employee raising the Grievance) has relevant evidence, they may be questioned by the person chairing the Grievance and reasonable notice will be given for them to prepare. At this stage, employees do not have the right to be accompanied nor would they normally be provided with copies of any papers or investigatory notes. All employees must cooperate fully and promptly in an Investigation.

The Let's Play Project may employ the use of external consultants to carry out investigations where appropriate. In these instances the investigation will be overseen by a member of the Board of Trustees to ensure the consultant acts in a manner consistent with the Grievance Policy.

### Stage Three ~ Grievance Outcome

Once the Grievance Chair has had a reasonable chance to investigate and consider the Grievance and make all the enquiries they need to, they will decide the outcome. Normally there are three possible outcomes:

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The Grievance can be upheld completely (or at least partially); or it can be decided that the Grievance is not upheld or that there is insufficient evidence to reach a conclusion (not proven). The Grievance Chair will decide on what further action, if any, is to be taken.

### Statutory right to be accompanied

Employees attending a Grievance Meeting may bring an appropriate companion. The chosen companion can be a fellow employee, a trade union representative or an official employed by a trade union. Solicitors, friends or family who do not work for the Let's Play Project are not permitted. The trade union representative must be able to show their identification before proceeding with the meeting. A trade union representative who is not an employee official must have been certified by their union as being competent to accompany the employee. To exercise the right to be accompanied, employees must make a reasonable request. What is reasonable will depend on the individual case. The companion is allowed to address the meeting, to put and sum up the worker's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. They do not have the right to answer questions on the employee's behalf; address the meeting if the employee does not wish it or prevent the employer from explaining their case.

Employees must provide the name of their companion to the Let's Play Project in advance of the meeting.

There is no obligation on any employee to act as a companion if they do not wish to.

## 5. Anonymous Grievances

If the employee is not prepared to give their name when raising a Grievance, it makes it very difficult for Let's Play to investigate the Grievance. Therefore, the Let's Play Project cannot deal with Grievances when they do not know who has written it.

On occasions the employee raising the Grievance may be worried about letting their Line Manager or another employee know that they have raised a Grievance. If so, they should raise their Grievance in writing to the Board of Trustees and explain that they are worried about other people knowing. A sensible and fair way of addressing their Grievance without revealing their identity can then be discussed. Unfortunately, this cannot be guaranteed as sometimes the only way to try to resolve an employee's Grievance is to speak to the person they are concerned about.

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Whilst the Grievance process is confidential, if an employee brings an issue to our attention & says they do not want the charity to do anything about it, this may not always be possible for the Charity to comply with. For example, the subject matter of the Grievance may be serious or involve other employees or service users and the Let's Play Project as the employer owes a Duty Of Care towards all of its employees and service users.

## 6. Collective Grievances

Collective Grievances may arise where a number of people have the same Grievance at the same time. Employees are encouraged to follow this Grievance policy on an individual basis rather than raise collective Grievances. Should the Let's Play Project receive a collective Grievance; Let's Play will determine whether it is best heard on an individual basis or collectively as a group.

## 7. Grievances Against Fellow Colleagues

An employee may be the cause of Grievances among their colleagues. Where this is the case the individual concerned will be spoken to privately about the concerns of their fellow employees. This may resolve the Grievance. Alternatively, if those involved are willing, mediation may be offered.

Very rarely, an employee raises a Grievance about another employee that is so serious that it could result in their dismissal. Grievances like this will be investigated and could lead to action under our Disciplinary Policy. Sometimes, suspension of that employee and/or the person who raised the Grievance may need to be considered; however, this would be unusual.

If the Grievance results in disciplinary action being taken against another employee, the employee raising the Grievance will not be given the details of this for reasons of date protection and confidentiality.

Raising a false, spurious or malicious Grievance about another employee is a very serious breach of our Disciplinary Policy and could lead to Dismissal.

Not telling the truth during a Grievance process (whether as the employee raising the Grievance or as a witness) is a serious disciplinary offence and could lead to dismissal.

## 8. Appeals

If the person with the grievance is not satisfied with the outcome then he/she should appeal in writing, where possible within 14 days of receiving the written record, to a Trustee not previously involved.

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If necessary an independent facilitator can be brought in to aid in bringing about a satisfactory conclusion.

Where an employee feels the Grievance action taken against them is wrong or unjust they should Appeal against the decision. Appeals should be made to a member of the Board of Trustees with no previous involvement in the Grievance and where possible within 5 working days/7 calendar days (whichever is the shorter) from receiving notification of the outcome, which may be verbally or in writing. Once 5 working days/7 calendar days have lapsed, an employee no longer has the right to Appeal and their Appeal request may be refused.

Appeals will be heard without reasonable delay and ideally at an agreed time and place. Employees must detail, the ground for their Appeal in writing. The Appeal can be a review of the Grievance outcome or a re-investigation depending on the grounds of the Appeal. The Appeal will be dealt with impartially and wherever possible by a senior employee to the employee who made the original Grievance decision and who has not previously been involved in the case. The Board of Trustees will allocate an Appeal Chair.

If further investigations are completed before or during the Appeal process, the employee making the Appeal will be provided with a reasonable opportunity to consider any information before the Appeal Hearing is completed.

Employees have the right to be accompanied at their Appeal Hearing. The chosen companion can be a fellow employee, a trade union representative or an official employed by a trade union. Solicitors, friends or family who do not work for The Let's Play Project, are not allowed.

The employee must take all reasonable steps to attend the Appeal Hearing. Reasonable adjustments will also be made to accommodate the needs of an employee with a disability.

An Appeal may result in the original outcome being confirmed or over-turned completely.

Employees will be informed in writing of the outcome of their Appeal as soon as possible and there will be no further right of Appeal.

Sometimes employees may try to raise the same Grievance more than once. If all the steps of the Grievance policy have already been gone through once, there is no obligation to hear the same Grievance again.

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## 9. Raising Grievances after leaving the Let's Play Project

If an employee raises a Grievance after they have left our employment, there is no obligation to deal with the Grievance if it is considered that there is no longer any real purpose in doing so or in practice (since the employee has left) there is nothing meaningful that Let's Play can do to resolve the Grievance.

## 10. Handling Grievances raised during disciplinary, capability or redundancy proceedings

If during Disciplinary or Capability proceedings the employee raises a Grievance about the manner in which the matter is being handled it is not usual to suspend the process as such matters should be addressed through the Appeal process.

In the exceptional event that the Grievance raises issues in relation to the handling of the Disciplinary or Capability matter which are considered serious enough to suspend the process, the Grievance will be handled in accordance with this policy.

In Redundancy situations all Grievances should be addressed via the Consultation or Appeals process. This policy does not relate to Redundancy situations and therefore no Grievances will be heard during a Redundancy situation.

## 11. Confidentiality and Record Keeping

All people involved in the Grievance process must keep all information confidential or they may find themselves subject to Disciplinary action for breach of trust and confidence and/or data protection. Managers and employees involved in the process must not divulge information about any suspension, investigation or meetings except to managers who are legitimately involved.

Written records of Grievance cases will be held confidentially and in accordance with current GDPR by the Let's Play Project. Records will include the nature of the Grievance, the investigation findings, what was decided and actions taken, the reasons for the actions, whether an Appeal was lodged, the outcome of any Appeal, subsequent developments and any meeting notes.

## 12. Recording & Minutes of the Meetings

Let's Play will allow employees access to minutes of any meetings. Records will be kept of any meetings held and copies issued to all concerned. They will be held on file for 12 months and retained in accordance with current GDPR.

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### 13. Legal Status of this Policy

This policy does not give rise to any contractual or legally enforceable rights for employees although it does create legal rights for Let's Play. Changes can be made to all or any part of this policy in any way, at any time and for any reason. Notice does not have to be given prior to the change.

For allegations regarding Safeguarding issues against staff and volunteers, contact:

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