

GRIEVANCE POLICY AND PROCEDURES

Introduction

From time to time you may feel unhappy with something at work. We feel that it is important that there is a clear and transparent procedure for such concerns or complaints to be dealt with both effectively and in a manner whereby employees feel comfortable to raise such issues.

It is usually in the best interest of both employers and employees to deal with any issues at an early stage to stop small issues growing into more complex or serious ones. The following procedures are non-contractual.

Informal Procedure

If you feel able to raise any issues informally with the perpetrator or the senior manager then such discussions can frequently solve issues quickly and effectively. However, if the matter is more serious, or the informal route has not solved the situation, or you do not feel it is appropriate to raise the matter informally, you should make a formal representation under this procedure.

If you are being harassed or bullied, this procedure is not normally the best way to raise such a matter and you should use the procedures outlined in our Bullying and Harassment Policy as this will be a more appropriate route to solving the problem.

Formal Procedure

If you wish to raise a formal grievance, it is advisable that you put the matter in writing from the outset. You should give as much detail as possible of the nature of your complaint. The written complaint should be given to senior manager.

A meeting will be arranged with you as soon as possible to hear your grievance. It may be necessary to suspend the meeting to gather further evidence, or to initiate a full investigation of the facts. We will aim to resolve the issue as quickly as possible and will not suspend the meeting unnecessarily.

At the end of the meeting, and after any necessary re-investigation etc. we will consider all the evidence gathered. We will notify you, in writing, of our assessment and what, if any, action we intend to take to resolve the situation. The letter will outline who your appeal should be directed to if you wish to do so. We aim to notify you of the decision as soon as is reasonably practical.

Appeal



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If you are unhappy with the outcome of the meeting and any proposed action, then you have the right of appeal. You should write to the person detailed in the outcome letter, within 7 calendar days of the date of the letter; outlining the grounds for your appeal.

Should you appeal our decision we will then arrange to hear your appeal, normally within no more than 14 calendar days after receipt of your letter of appeal.

In interests of fairness, your appeal will normally be held by a different person than the one who held the initial grievance meeting.

After full consideration of the matter, you will be informed, in writing of the decision as soon as is reasonably practical and normally no longer than 14 days after the meeting has been held.

Right to be Accompanied

You have the right to be accompanied by a fellow employee of your choice, or by a Trade Union Official at all stages of the formal grievance procedure and at any subsequent appeal meetings.

It is your responsibility to arrange for the appropriate acCharitying person of your choice to be informed of the matter and the dates of the hearing/s. If you wish a member of staff to acCharity you, then either yourself or the person concerned, should notify us as early as possible, so that we can ensure that they can be released from their duties at the appropriate times.

We wholeheartedly support the right to be accompanied and any person who agrees to acCharity a member of staff at any grievance or appeal hearing will not be subject to any form of detriment as a result of doing so.

Record-Keeping

If you choose to use the formal route to resolve your grievance, we will take notes of all meetings held and these, along with any supporting evidence used will be held on your personnel file. Details of any action taken will also be kept.

1. General Statement:

This document should be read in conjunction with all other policies relating to employment:

- a. Equal Opportunities – PP20
- b. Disciplinary Procedures – PP15
- c. Health and Safety – PP02
- d. Safeguarding and Child Protection – PP12

and is specific to an individual's grievance.

2. Purpose

2.1. 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 members of the Core Team, Playworkers and Volunteers who have a Grievance to raise it. This policy sets out the correct process to follow for an employee to raise their Grievance.

2.2. The Core Team and 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.

2.3. Core Team members and Playworkers 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.

3. What is a Grievance?

3.1. 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:

- a. Terms and Conditions
- b. Health & Safety
- c. Work Relations
- d. Bullying & Harassment
- e. New Working Practices
- f. Working environment
- g. Changes
- h. Discrimination

3.2. 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.

4. Principle

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

4.1.1. **Grievances are handled in accordance with the ACAS Code of Conduct**

4.1.2. Matters will be dealt with promptly and will not be unreasonably delayed

4.1.3. At all stages of the formal Grievance process the Core Team member or Playworker raising the Grievance will have the right to be accompanied

4.1.4. Core Team and Playworkers will have the right to Appeal against any Grievance outcome

5. Procedure

5.1. Informal Procedure

- 5.1.1. Firstly, a Core Team Member or Playworker should speak to the Activities Manager or Operations Manager about their Grievance. Most Grievances can be resolved quickly and informally and are often just due to a misunderstanding, lack of communication or mistakes. If the Grievance is in relation to the Activities Manager or Operations Manager, or the Core Team Member or Playworker doesn't feel comfortable talking to the Activities Manager or Operations Manager, they should speak to a Member of the Board of Trustees.
- 5.1.2. 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.
- 5.1.3. If the Grievance can't be resolved informally the Core Team Member or Playworker should proceed with the formal Grievance Process.

5.2. Formal procedure

- 5.2.1. The sooner the Core Team Member and Playworkers tells us about their Grievance, the sooner it can be resolved. If the Core Team Member or Playworkers 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 Core Team Member or Playworker raising it.
- 5.2.2. **Stage One – Grievance Letter**
- 5.2.3. The Core Team Member or Playworker should put their Grievance in writing and send it to The Board of Trustees. The Grievance letter needs to specify clearly:
- a. The Grievance that they wish to raise and the basis for it

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- b. That they have tried to address their Grievance informally first and if not, why not?
 - c. Why addressing their grievance informally did not address the situation satisfactorily
 - d. What resolution they are seeking
- 5.2.4. 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.
- 5.2.5. 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.
- 5.2.6. The Core Team Member or Playworker has the right to be accompanied during the meeting.
- 5.2.7. The meeting will commence the Grievance Investigation.
- 5.2.8. **Stage Two – Grievance Investigation**
- 5.2.9. The Core Team Member or Playworker with the grievance should be made aware of this procedure
- 5.2.10. The Core Team Member or Playworker 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 Core Team Member or Playworker who has raised the Grievance and/or any Core Team Member or Playworker who are the subject of the Grievance and will, wherever possible, be the Core Team/s or Playworker/s Line Manager. If the Line Manager is not appropriate, someone unconnected to anyone involved in the Grievance will be allocated.
- 5.2.11. 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 Core Team Member or Playworker raising the Grievance to investigate it thoroughly. This will involve meeting with the Core Team Member or Playworker raising the Grievance.

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- 5.2.12. The Core Team Member or Playworker and their companions should make every effort to attend the meeting. Reasonable adjustments will also be made to accommodate the needs of a Core Team Member or Playworker with a disability. The Core Team Member or Playworker 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.
- 5.2.13. Following the meeting with the Core Team Member or Playworker raising the Grievance, the Grievance Chair will investigate the matter further. It may be that the Grievance Chair needs to meet with the Core Team Member or Playworker raising the Grievance a number of times during the process in order to make sure all areas are being fully investigated. At this stage, the Core Team Member or Playworker do not have the right to be accompanied nor would they normally be provided with copies of any papers or investigatory notes. All Core Team Member or Playworker must cooperate fully and promptly in an Investigation.
- 5.2.14. 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.
- 5.2.15.
- 5.2.16. 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.
- 5.2.17. **Stage Three – Grievance Outcome**
- 5.2.18. 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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5.2.19. 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.

5.2.20. **Statutory right to be accompanied**

5.2.21. The Core Team Member or Playworker attending a Grievance Meeting may bring an appropriate companion. The chosen companion can be a fellow colleague, 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 Core Team Member or Playworker. To exercise the right to be accompanied, Core Team Member or Playworker 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 Core Team Member or Playworker to any views expressed at the meeting and to confer with the Core Team Member or Playworker during the meeting. They do not have the right to answer questions on the Core Team or Playworker's behalf; address the meeting if the Core Team Member or Playworker does not wish it or prevent the Core Team Member or Playworker from explaining their case.

5.2.22. Core Team Member or Playworker must provide the name of their companion to the Let's Play Project in advance of the meeting.

5.2.23. There is no obligation on any Core Team Member or Playworker to act as a companion if they do not wish to.

6. **Anonymous Grievances**

6.1. If the Core Team Member or Playworker 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.

6.2. On occasions the Core Team Member or Playworker raising the Grievance may be worried about letting their Line Manager or another colleague know that they have raised a Grievance. If so, they should raise their Grievance in writing

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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.

- 6.3.** 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 Core Team Member, Playworkers or Young People and the Let's Play Project as the Core Team Member/Playworker owes a Duty Of Care towards all of its Core Team Members, Playworkers and Young People.

7. Collective Grievances

- 7.1.** Collective Grievances may arise where a number of people have the same Grievance at the same time. The Core Team, Playworkers and Volunteers 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.

8. Grievances Against Fellow Colleagues

- 8.1.** A Core Team Member or Playworker 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 colleagues. This may resolve the Grievance. Alternatively, if those involved are willing, mediation may be offered.
- 8.2.** Very rarely, a Core Team Member or Playworker raises a Grievance about another colleagues 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 individual and/or the person who raised the Grievance may need to be considered; however, this would be unusual.
- 8.3.** If the Grievance results in disciplinary action being taken against another colleague, the Core Team Member or Playworker raising the Grievance will not be given the details of this for reasons of data protection and confidentiality.

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- 8.4.** Raising a false, spurious or malicious Grievance about another colleague is a very serious breach of our Disciplinary Policy and could lead to Dismissal.
- 8.5.** 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.

9. Appeals

- 9.1.** If the Core Team Member or Playworker with the grievance is not satisfied with the outcome then he/she should appeal in writing, where possible within 7 days of receiving the written record, to a Trustee not previously involved.
- 9.2.** Where the Team Member or Playworker 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 from receiving notification of the outcome, which may be verbally or in writing. Once 5 working days have lapsed, the individual no longer has the right to Appeal and their Appeal request may be refused.
- 9.3.** Appeals will be heard without reasonable delay and ideally at an agreed time and place. 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 Core Team Member to the individual 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.
- 9.4.** If further investigations are completed before or during the Appeal process, the Core Team Member or Playworker making the Appeal will be provided with a reasonable opportunity to consider any information before the Appeal Hearing is completed.
- 9.5.** Core Team Members or Playworkers have the right to be accompanied at their Appeal Hearing. The chosen companion can be a fellow colleague, 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.

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- 9.6. The Core Team Member or Playworker must take all reasonable steps to attend the Appeal Hearing. Reasonable adjustments will also be made to accommodate the needs of an individual with a disability.
- 9.7. An Appeal may result in the original outcome being confirmed or over-turned completely.
- 9.8. Core Team Member or Playworker will be informed in writing of the outcome of their Appeal as soon as possible and there will be no further right of Appeal.
- 9.9. Sometimes the individual 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.

10. Raising Grievances after leaving the Let's Play Project

10.1. If a Core Team Member or Playworker 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.

10.2. Handling Grievances raised during disciplinary, capability or redundancy proceedings

10.2.1. If during Disciplinary or Capability proceedings the individual 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.

10.2.2. 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.

10.2.3. 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

- 11.1.** All individuals 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. Core Team Members or Playworkers involved in the process must not divulge information about any suspension, investigation or meetings except to individuals who are legitimately involved.
- 11.2.** 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

- 12.1.** The Let's Play Project will allow individuals access to minutes of any meetings that relate to them. 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.

13. Legal Status of this Policy

- 13.1.** 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:

Alison Beasley – Interim Designated LADO
Telephone: 01865 815956
Mobile: 07833 436649
Email: alison.beasley@oxfordshire.gov.uk



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