

Employment

2.1.2 Grievance

Policy Statement for St Joseph's Out of School Club

St Joseph's Out of School Club 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 Out of School Club), immediately with their line manager or a member of the management committee (committee). St Joseph's Out of School Club is committed to ensuring that all staff at the Out of School Club should be treated in a fair, consistent and sensitive way.

Grievance procedure

If the employee's grievance cannot be dealt with informally, ie in discussion with the line manager, the following procedure will apply (a 3 step process).

Stage 1 – Inform the employer

- The employee should inform the employer of his/her grievance.
- Line managers or a member of the committee 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 raised the grievance first **in writing** and waited a further 28 days before presenting the tribunal claim.
- Where there is no line manager, or the issues relates to the conduct of the line manager, or another employee, and the employee feels unable to approach them directly, a member of the committee should be notified.

Stage 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 the employee's companion cannot attend on a proposed date, the employee can suggest another date so long that it is reasonable and 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 of 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 5 working days, and should let the employee know that they can appeal against the employer's decision if they are not satisfied with it. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and told when the response can be expected.

Stage 3 – Appeals

- If the employee informs their 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 within 10 working days of the appeal meeting. They should also tell the employee if the appeal meeting is the final stage of the grievance procedure.

Modified Grievance procedure (2-step process)

This procedure applies when employment has ended and either:

- St Joseph’s Out of School Club and the employee agree the modified procedure should be followed; or
- St Joseph’s Out of School Club or the employee are unable to complete a step in the standard grievance procedure (as described above).

The modified grievance procedure is:

Step 1: Put it in writing

- The employee must send a written explanation of their grievance to the line manager, stating the basis for their complaint.

Step 2: The appeal

- The line manager will invite the employee to a meeting to discuss the grievance/appeal.
- The employee has the right to be accompanied.
- The employee must be given the line manager’s final decision after the meeting and St Joseph’s Out of School Club will follow this up in writing within 5 working days.

Keeping records

- It is important, and in the interests of both the employer and employee, to keep written records during the grievance process. The 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 is an appeal and, if so, the outcome; and
 - subsequent developments.
- Records should be treated as confidential and kept in accordance with the General Data Protection Regulations 2018 and the Data Protection Act 2018, 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.

Further evidence

Can be found at www.legislation.gov.uk ; or www.hse.gov.uk ; or other government websites.

Version Number	Author	Purpose of change	Date
1.0	NP and HS	Updating policies	23.01.2023