



Grievance Policy & Procedure for Sunshine Wishes Children's Charity

Policy Statement

1. **Sunshine Wishes Children's Charity (NGO)** aims to create a working environment in which all employees can freely raise concerns relating to their employment and seek a resolution promptly, fairly, and informally wherever possible. Where informal resolution is not possible, the grievance procedure exists to provide a means to achieve formal resolution. The emphasis of this policy is on problem solving and mediation rather than confrontation or an adversarial process.

2. Feedback from grievances is used to promote learning and continuous improvement in accordance with the NGO's values of Excellence, Leadership, Integrity and Diversity.

Purpose and Scope

3. This policy and procedure applies to complaints connected to the individual's employment by the NGO.

4. This policy and procedure applies to a complaint connected to the individual's employment with the NGO and may include but is not restricted to:

- application of terms and conditions of employment;
- health and safety;
- data protection;
- professional relationships at work; • new working practices/organisational changes; and
- equal opportunities/diversity issues.

5. The policy does NOT apply to a complaint which is covered by a specific process in another employment policy or procedure such as:

- harassment and bullying;
- recruitment;
- appeals procedures in other policies such as Performance Development & Review System, Flexible Working and Disciplinary.

6. The policy should NOT be used to:

- raise a complaint on behalf of another employee;

Protect – Internal Use 2

- deal with issues which may be raised under the Whistleblowing Policy;
- make a complaint that relates to collective terms and conditions such as pay awards (the individual application of collective terms and conditions is covered by this policy).

Introduction

7. The following principles apply:

- managers will try to resolve problems informally and deal with them at the earliest opportunity;
- confidentiality will be maintained at all times by everyone involved;
- the intention of this policy is not to apportion blame but to resolve grievances objectively, sensitively, consistently and fairly. This takes into account the fact that employment issues are not necessarily clear cut and responsibility cannot always be decisively established;
- managers will make decisions based on the 'balance of probabilities', meaning they will consider, having weighed up the evidence, whether it is more likely than not that the complaint has been substantiated;
- The NGO will assume that all grievances are raised in good faith. In the unlikely event that a complaint is frivolous, malicious or vexatious, the employee raising the grievance may be subject to disciplinary action;
- as a general rule, employees may not raise a grievance anonymously as this hampers consideration of the case. In exceptional circumstances where an employee has a genuine fear of the consequences of being identified as the complainant, they should contact Frances Stokes (Chair).

Outcomes

8. The outcomes of this policy are that:

- managers are aware of the procedure to deal with work related complaints and do so effectively;
- employees are aware how to formally raise a work related complaint and there is trust that they will be dealt with appropriately; and
- work related complaints are resolved without recourse to the formal procedures, wherever possible.

Monitoring and Review

9. Frances Stokes (Chair) will monitor the implementation of the formal stages of this policy for compliance and consistency and to identify any learning points.

10. A formal review of this policy will take place if there is a significant change in relevant legislation or business need which triggers a review.

1. Introduction to grievance procedure

The grievance procedure enables the NGO to ensure that any problems, complaints, or concerns raised by employees are dealt with in a fair, timely and consistent manner. If an employee has a grievance or complaint regarding:

- 1.1 their work, working conditions, pay and benefits, working hours; or

- 1.2 discrimination on the grounds of race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status, or ethnic origin; or
- 1.3 treatment by colleagues including harassment and bullying; or
- 1.4 their health and safety or a breach of statutory employment rights; or
- 1.5 any other issue affecting their employment,

it should be raised in line with this procedure.

Complaints in respect of disciplinary action taken by the NGO should be dealt with as an appeal under the disciplinary procedure.

2. Informal Procedure

- 2.1 Employees should, where possible, discuss the grievance or complaint with their immediate manager on an informal basis first. The manager will discuss any concerns with the employee and attempt to resolve the matter within a reasonable timescale. Where it is not possible for the employee to talk to their immediate manager, or if the grievance concerns him or her, the employee should instead talk to the next most senior person **Linda Ford, General Manager**.
- 2.2 Where the informal procedure is used, both parties should keep a written record of the meeting including what was discussed and any proposed action.
- 2.3 If the grievance has not been resolved or cannot be settled informally, the matter should be dealt with in accordance with the formal grievance procedure.

3. Formal Grievance Procedure:

- 3.1 Written Statement
 - 3.3.1 The aggrieved employee must first send a written statement detailing the nature of the grievance to the employee's Linda Ford without unreasonable delay.
 - 3.3.2 Where it is Linda Ford who is the subject of the Grievance, the employee should instead send the written statement to **Frances Stokes (Chair)** or another manager of equal or greater seniority, where possible.
- 3.2 Grievance Meeting
 - 3.2.1 Upon receiving the written statement, Linda Ford will arrange for a formal meeting to be held in order to discuss the grievance. The formal meeting will be held without unreasonable delay and usually no longer than 5 working days after the statement of grievance is received.
 - 3.2.2 The meeting must not take place if Linda Ford has not had a reasonable opportunity to consider their response to the information.

- 3.2.3 Before the meeting, a thorough investigation of the facts relating to any allegations must take place. Any requests for anonymity and confidentiality should be taken seriously.
- 3.2.4 The employee may, following a reasonable request, be accompanied by a colleague, a suitably certified trade union representative or an official employed by a trade union. The companion may not, however, answer questions on behalf of the employee.
- 3.2.5 The employee's chosen companion will be able to address the meeting to put or sum up the employee's case, as well as confer with the employee during the meeting. They may not, however, answer questions on the employee's behalf, address the meeting if the employee does not wish them to do so or prevent the NGO from explaining their case.
- 3.2.6 The NGO reserves the right to refuse to accept a companion whose presence may undermine the grievance process.
- 3.2.7 Linda Ford, employee and their companions shall make every effort to attend the meeting. If the employee fails to attend the grievance hearing without explanation or seems to make insufficient efforts to attend, then the hearing may proceed in the employee's absence.
- 3.2.8 If possible, the employee should explain how they think the grievance could be resolved.
- 3.2.9 If a further investigation of the matter is required, then the meeting should be adjourned to a later date before a decision is taken about how to deal with the employee's grievance.

3.3 Outcome of meeting

- 3.3.1 Following the meeting and investigation and without unreasonable delay, Linda Ford shall set out in writing the outcome of the hearing and any action they intend to take to resolve the grievance (if appropriate).
- 3.3.2 Linda Ford shall also inform the employee of their right to appeal if they are not satisfied with the action taken.
- 3.3.3 Any action taken shall be monitored and reviewed, as appropriate, to ensure it effectively deals with the issue.

3.4 Appeal

- 3.4.1 Employees have the right to appeal where they feel their grievance has not been satisfactorily resolved.
- 3.4.2 The request for an appeal must state the grounds for the appeal and should be submitted to **Linda Ford, (General Manager)** in writing within 5 working days of receiving written confirmation as to the outcome of the grievance meeting.

- 3.4.3 Linda Ford will arrange a further meeting to discuss the appeal within a reasonable time of receiving the request for an appeal. The employee will be informed of the time and place of the appeal in advance.
- 3.4.4 The appeal will be dealt with impartially and, wherever possible, will be chaired by a manager who has not previously been involved in the case and is of increased seniority to the one who dealt with the original grievance. This appeal hearing is not a re-hearing of the original appeal but a consideration of the specific areas of dissatisfaction in relation to the original grievance.
- 3.4.5 The employee has the right to be accompanied at the appeal meeting and the outcome of the appeal meeting shall be communicated to the employee in writing within 5 working days. Decisions made at this point are final and the grievance procedure is concluded.

4. Confidentiality

- 4.1 Grievances will be handled with as high a degree of confidentiality as is practicable.
- 4.2 Confidential records of the grievance will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although the Company reserves the right to withhold certain information (e.g. to protect a witness).

5. Special Cases

- 5.1 Where a grievance is raised during the disciplinary process, the disciplinary process may be suspended so the grievance can be dealt with first.
- 5.2 The above procedure shall not be used for collective grievances.

Policy review

This policy is reviewed annually

at our AGM on or around **6th**

October.