



Dudley Mind Grievance Policy & Procedure

1) Policy

It is Dudley Mind's policy to ensure that all employees and other workers can have any concerns associated with their employment dealt with promptly. Dudley Mind will maintain procedures for dealing with the grievances in a fair and effective manner that comply with statutory requirements and designed to ensure that employees are able to resolve problems as quickly as possible.

2) Preamble

2.1 Dudley Mind wishes to continuously promote a working environment that values people. To achieve this it is crucial that we have a means by which grievances can be raised and resolved fairly and speedily.

2.2 The main purpose of this grievance procedure is to enable employees or other workers to raise any concerns that they may have about their employment or about their relationship with other employees or workers at Dudley Mind and to ensure that these concerns are dealt with fairly, and promptly and with the intention that an effective conclusion will be reached.

2.3 Dudley Mind aims to resolve grievances informally as far as possible. Employees are encouraged to make use of conciliation meetings to resolve their grievance before following the formal procedure.

2.4 Individuals should feel free to raise a valid grievance and should be reassured that they will not be victimised for bringing a complaint or acting as a witness for another employee raising a grievance. If anybody does victimise a complainant or witness, they may be subject to disciplinary action.

2.5 Confidentiality will be maintained throughout the grievance process. However, there may be instances due to the nature of the grievance (for example if it has disciplinary implications) where other parties may need to be informed. If the grievance is about another employee, this individual will be given the opportunity to understand the context of the complaint made against them and will have an opportunity to respond to it.

2.6 Dudley Mind expects all grievances that are made to be in good faith. Anyone who raises a false grievance with an intention that is contrary to the Disciplinary Rules may be subject to disciplinary action.

3) Reasons for grievances

3.1 Grievances may arise from all sorts of areas and they may include:

- Employee's contractual rights such as terms and conditions of employment
- Health & Safety
- Dignity of employees, for example: Discrimination, harassment and bullying, practices at work, equal opportunities

3.2 The following matters cannot be raised under this Grievance Procedure, because there are more relevant ways of appealing decisions in relation to these matters:

- Disciplinary decisions
- Dismissals
- Redundancies

4) Informal Procedure

4.1 Any concerns should be raised informally with your line manager in the first instance.

4.1.2 If the grievance is about the line manager then an approach may be made to a more senior manager, the manager of another department or to the HR Officer.

4.1.3 In cases of harassment or bullying, the matter may also be raised with the HR Officer or a senior manager of the same sex as the complainant.

4.1.4 Where dealing with a grievance informally has proved unsatisfactory, or if it becomes evident to either Dudley Mind or the employee raising the grievance that informal action cannot achieve a satisfactory outcome then the formal procedure should be followed.

4.1.5 All parties should attempt to resolve problems informally with the minimum of conflict. It may be the case (when dealing with grievances regarding people's behaviour) that the perpetrator does not realise the effect his/her behaviour is having on the complainant. Informal procedures have the advantage of being speedy and provide the perpetrator with an opportunity to recognise and correct the errors.

4.2 Conciliation

If the grievance is related to another employee or worker it may be appropriate to bring the two parties together, with a manager conciliating the meeting, to deal with the complaint. This should only occur where there is an agreement from both parties to do so. Conciliation may not be appropriate in some cases of harassment or bullying.

4.3 Harassment and Bullying

4.3.1 All forms of personal harassment and bullying are unacceptable and Dudley Mind seeks to ensure that the working environment respects the

dignity of individuals and is free from harassment and bullying. We are committed to eliminating intimidation in any form.

4.3.2 Harassment and Bullying breach the Dudley Mind Equal Opportunities Policy and are classified as serious offences which may result in summary dismissal under the Disciplinary Procedure.

4.3.2 Anyone who feels they are being harassed or bullied and wishes to have the matter dealt with formally should raise a grievance.

4.3.3 However, the Harassment and Bullying Policy and Procedure sets out further guidance and support for this situation for example, aiming to separate the complainant from the alleged harasser until the matter has been investigated. Please refer to the Dudley Mind Harassment and Bullying Procedure for further information.

4.4 Support for staff raising a grievance

In addition to the right to representation during the grievance hearing, Dudley Mind also encourages all employees raising a grievance to make use of the confidential helpline provided as part of the employee assistance programme for all staff. Face to face counselling sessions may also be accessed via this scheme where appropriate – the HR Officer can provide further details.

4.5 Formal Grievance Procedure

4.5.1 It is not anticipated that all grievances will need to go through all procedural stages and the aim must be to find a solution as early in the procedure as possible.

4.5.2 On receipt of a formal written grievance relating to harassment or bullying, action will be taken to separate the complainant from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with pay until the matter has been resolved.

4.5.3 Before there can be any hearing under the formal procedure, the employee or worker must set out the grievance fully in writing together with any other information which they believe to be relevant. This should include an indication of what action might be taken by Dudley Mind which would resolve or contribute towards resolving the grievance. The written grievance must be given to one of the parties described above under Informal Procedure using the same assumptions.

4.5.4 Employees or workers may be accompanied by a work colleague or Trade Union Official (or contact person in harassment and bullying cases) at any stage during the formal Grievance Procedure. The companion may address the meeting and confer with the employee during it but may not answer questions on the employee's behalf (See Appendix 1 – Right to Representation).

4.5.5 Every effort will be made to convene meetings at a time convenient for the Employee and their companion to attend. If this means that the meeting cannot be held within a reasonable period (normally five working days of the original date set), the Employee will be asked to make arrangements with another companion who is available to attend.

Note: where the grievance concerns allegations about the behaviour of another employee (including a manager) or worker the complainant must understand that the person complained about is equally entitled to present their view of the relevant events. Where there is no evidence other than the unsupported assertions of the parties involved it may not be practicable for Dudley Mind as the employer to achieve a resolution.

4.6 Stage 1 – Investigation

Once a complaint has been received the manager will arrange for an independent person to carry out an investigation into the circumstances. The report of this person will be presented as evidence at Stage 2. Investigations should normally be completed within 10 working days of receipt of a complaint. The findings will be sent to the complainant with the notification of the date of the formal hearing.

4.7 Stage 2 – Formal Hearing

4.7.1 Once a written grievance has been received and an investigation is underway a hearing will be arranged by the employee's or worker's line manager (or the next higher level of management should the grievance be about their line manager). In the case of harassment or bullying the hearing may also be held with another senior manager of the same sex as the complainant.

4.7.2 This meeting should normally take place within 5 working days of the completion of the investigation.

4.7.3 At this meeting the complainant can present their grievance and state how they think it should be resolved.

4.7.4 The outcome of the formal hearing will be given to the Employee, in writing, within 10 calendar days of the hearing. If there is any delay the Employee will be given an explanation and told when a response can be expected.

4.8 Stage 3 – The appeal

4.8.1 If the Employee or worker is not satisfied with the outcome following the grievance hearing then they will have the opportunity to appeal against that decision. The appeal should be in writing to the next level of management or if the stage 2 meeting was heard by the highest level of management, then to the Chairman of the Board within 10 calendar days from receiving the outcome of the grievance hearing.

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4.8.2 An appeal hearing will then be arranged with the Employee and the manager appealed to or a nominated member of the Board (if stage 2 meeting heard by highest level of management).

4.8.3 The outcome of the appeal hearing will be given to the Employee, in writing, within 10 calendar days of the hearing. If there is any further delay the Employee will be given an explanation and told when a response can be expected.

4.8.4 The appeal shall be the final stage of the Grievance Procedure and the decision at appeal shall be Dudley Mind's final decision.

5) Changes

Dudley Mind reserves the right to change the provision of the Grievance Policy and Procedure by amendment, addition or deletion or substitution of new procedures from time to time at its discretion. Employees will be consulted and notified of any changes by appropriate means.

Appendix 1

Right To Representation

All employees have a statutory right to be accompanied at formal grievance meetings by either a fellow worker or a trade union representative. Employees under 18 and employees with special needs may also be represented by a parent or guardian and any reasonable adjustments which are deemed necessary will be made.

It is not reasonable for the companion to be someone:

- Whose presence would prejudice the Grievance Hearing/Appeal
- Who might have a conflict of interest

The fellow worker or trade union representative does not have to accept a request to accompany. A fellow worker who has agreed to accompany is entitled to a reasonable amount of paid time off to fulfil their responsibility. If for any reason the chosen representative is not available, the hearing will be postponed to an alternative time proposed by the employee, which is reasonable, and within five working days of the original hearing date.

The companion must keep all information related to the case confidential at all times unless a breach is necessary under the Confidentiality Policy.

The companion has the right to:

- Request an alternative date or time of the hearing (subject to conditions above)
- Put the employee's case to the hearing
- Sum up the employee's case
- Confer with the employee throughout the hearing

The companion does not have the right to:

- Answer questions on the employees behalf
- Address the hearing if the employee does not wish it
- Prevent the employer from explaining their case