

# Grievance and Dignity at Work Procedures

## 2017 -20

Personnel Committee Approval: June 2017	Person Responsible: Maureen Gimby	Reviewed: May 2017 Next Review: May 2020
---	--------------------------------------	---

## 1. Introduction

- 1.1 The purpose of these procedures is to provide managers and staff with a clear framework within which they can address grievance issues and all forms of unwanted behaviours such as discrimination, harassment, victimisation or bullying and these procedures take account of the legislation identified in the Grievance and Dignity at Work Policy. Section 5.2 of these procedures also outline what may constitute harassment by colleagues and the actions that will be adopted in tackling any such incidents.
- 1.2 River Clyde Homes' (RCH) hopes that the great majority of doubts and problems will be settled quickly through constructive informal discussions. RCH has identified an Informal Stage and a Formal Stage in this procedure when dealing with grievances and dignity at work issues. However, it does recommend that the Informal Stage be used to remedy the situation, if at all possible, but does recognise the need for a formal procedure designed to meet those circumstances that cannot quickly be resolved through constructive informal discussions.
- 1.3 In all circumstances where a grievance is raised, the status-quo ante (the previous state of affairs) will be maintained until such time as the issue which is the subject of the grievance is finally resolved.

## 2. Informal Stage

- 2.1 An employee who has a grievance or a dignity at work complaint should try to resolve the complaint by letting the other person(s) know that their attitude or behaviour is causing concern. In some cases, the offender may not be aware of the effect their attitude or behaviour is having on others and once it is drawn to their attention, this could resolve the problem.
- 2.2 If raising the matter directly is too difficult or too embarrassing for the employee, the person should ask someone they trust to be a "liaison officer". This officer could be his/her line manager, union rep, member of the HR Team or a colleague. The "liaison officer" should be able to provide advice, assistance and support the person in a sensitive, understanding and confidential manner, and to explore possible courses of action to ensure that there are no further incidents of unacceptable behaviour.
- 2.3 The identified "liaison officer" may accompany the employee raising the concern(s) to a meeting with the alleged offender and help to explain the feelings held by the complainant. If the complainant does not wish to proceed with any further action, the "liaison officer" will respect this decision. The "liaison officer" will keep a note of any action taken at this stage and the outcome will also be held in the complainant's personal file – no record will be kept on the alleged offender's file. However, if further problems occur, either side or an appropriate manager can ask that the matter be dealt with formally.
- 2.4 There is no compunction on the employee to attempt an informal resolution first and they may choose instead to use the formal route to raise their concern. The formal stage would be used if the informal stage failed or was an unrealistic starting point for a particular concern. The formal stage would also be used if the behaviour complained of causes such distress that

the continued working relationship is impossible or the person making the complaint wishes the formal procedure to be used.

- 2.5 It should be noted that if the “liaison officer” investigating the complaint through the “informal procedure” deems it to be too important to be dealt with informally, he/she has a responsibility to inform a manager who the right to invoke formal action through the Disciplinary and Dismissal Procedures and will convey this decision to the complainant.

### 3. Formal Stage

#### 3.1 Employee Raises A Grievance

An employee wishing to raise a formal grievance must do this by writing to his/her line manager (or other manager if the grievance is about the line manager). The communication does not need to explicitly say “this is a grievance” and managers need to be aware that any time an employee writes to them expressing a concern, then the grievance process could be required. It is therefore the manager’s responsibility to check with the employee to ascertain whether the concern is in fact being raised as a formal grievance. The employee does not have to provide a huge statement of case when raising the concern in writing. A simple note stating and identifying a concern is sufficient to initiate the formal grievance procedure.

#### 3.2 Invite the Employee to Attend a Meeting

The manager will need to invite the employee to a formal grievance meeting (hearing) to be held within 5 working days of the formal notification (this date could be extended by mutual consent). The manager will confirm that the meeting is to hear a grievance and that the employee has the right to be accompanied a fellow worker, a trade union representative or an official employed by a trade union. The accompanying person can address the meeting, but not answer questions on behalf of the employee unless this is agreed by the manager in advance. The manager cannot insist that the employee has to provide full written details of their concerns prior to the grievance meeting. It is acceptable that the employee simply provides this detail verbally at the meeting. This of course has implications in that investigations into the concerns cannot start until they are made explicit. If this is the case, and where the matters are complex, it may be necessary to extend by mutual agreement the period of time permitted for the manager to respond.

#### 3.3 The Grievance Meeting (Hearing)

A grievance hearing is different from a disciplinary hearing. In a grievance hearing, it is not necessary to have all parties in the room and indeed a more private type of meeting may allow the employee to speak more freely to their concerns. The employee may wish to offer witness statements or suggest witnesses that could be interviewed by the manager hearing the matter. The manager hearing the grievance should listen carefully and try to ensure full understanding of the concerns raised before taking any view on its validity or possible solutions. The employee should always be asked for suggestions on how the issues can be put right, but may not be able or willing to offer any. There is no compunction on the employee to do so. The manager will want to have as much discussion as is reasonable at the meeting to discuss possible ways forward; bearing in mind it will not always be practical to resolve the employee's concerns in full.

#### 3.4 Responding to the Grievance

The meeting may end without an overall solution having been proposed or agreed. If so, further enquiries and discussions with others may have to be made before an authoritative response can be compiled. Conducting such enquiries will often take longer than a simple adjournment permits and thus the response will not usually be possible on the day of the meeting. The employee should be advised when a likely response can be expected but should be within an agreed timeframe of not more than 5 working days after the grievance hearing. Where a complex matter looks like taking additional time to conclude, it is possible to agree an extension to the time limits by mutual consent. However, the ACAS Code of Practice also recognises that there will be cases where an extensive investigation won't be necessary and in such circumstances it is acceptable that a decision is taken following a straightforward adjournment and this should be communicated in writing as soon as possible thereafter.

In all circumstances, the manager is required to respond to the employee's concerns in writing setting out any views on the matters raised and detailing actions or other proposed ways forward. In addition, the response will advise the employee of the right of appeal, within 5 working days of receiving the decision and a meeting to be arranged within 10 working days from receipt of the appeal. The person hearing the appeal may be an equivalent or higher level than the manager making the decision.

### 3.5 Hearing an Appeal

The appeal hearing will be heard by a manager, member of the SMT or the Personnel Committee Appeals Panel, whichever is relevant. The appeal gives a fresh opportunity to look at the employee's concerns and check whether any alternative ways of resolving these are possible and/or reasonable. If the employee raises an appeal, the manager, member of the SMT or the Personnel Committee Appeals Panel hearing the appeal should reply in writing and invite the employee to attend a meeting and advise of the right of representation. There may be a need for the manager who took the original decision on the grievance to attend an appeal hearing.

The manager, member of the SMT or the Personnel Committee Appeals Panel hearing the appeal would primarily listen to the employee's views on why they felt the original response was unsatisfactory. An adjournment or period of time after the meeting may be needed to make further enquiries before the formal response is given to the employee and the decision on whether the appeal is upheld or rejected will be stated. Following the appeal hearing, the employee will be advised that they have exhausted the appeals process.

## 4. Collective Grievances

- 4.1 This is a grievance raised by more than one member of staff with the same complaint. These should be raised through the same procedure as the individual grievance and will be dealt with on a collective basis with a spokesperson representing the complainant(s)

## 5. Disciplinary and Dismissal Procedures

- 5.1 The Disciplinary and Dismissal Procedures may apply where grievances that have been

raised relating to dignity at work complaints as outlined in Section 1.3 of the Grievance and Dignity at Work Policy have been upheld in relation to allegations of bullying or harassment.

- 5.2 RCH recognises that harassment may take many forms. It can range from extreme forms such as violence, overt bullying, intimidation and unwanted physical contact, to less obvious behaviour like ignoring someone at work. Although harassment may involve an overt abuse of power, coercion or violence, it can also appear in far more subtle guises. In some cases it can be unintentional on the perpetrator's part. Examples of harassment can include:
- The persistent undermining of someone's abilities.
  - Attempting to humiliate someone in public.
  - Constant changes in instructions or routine in order to unsettle someone in their work.
  - Unnecessary touching or brushing against.
  - Horseplay
  - Assault, including sexual assault.
  - Continued suggestions for social activity outside the workplace, after it has been made clear that suggestions are unwelcome.
  - Offensive or unwanted comments about dress or physical appearance, which are unrelated to the requirements of an individual's job.
  - Coercion to participate in unwelcome activities, such as sexual favours, pressure to participate in political/religious groups etc
  - Isolation or non-co-operation at work, exclusion from social activities.
  - Racial, sexual or sectarian based graffiti or graffiti referring to an individual's personal characteristics or private life.
  - Display of pornographic or sexually suggestive pictures, of either sex.
  - Leering, whistling and suggestive gestures.
  - Display of offensive objects.

The above are examples of various forms of harassment, but this list is not exhaustive.

Employees can be harassed by colleagues or subordinates, as well as by managers and supervisors. Customers, clients and contractors may be involved, either as perpetrators or recipients, and witnesses can sometimes be affected as adversely as those directly involved. Whatever the form, it will be unwanted behaviour which is unwelcome and unpleasant and RCH will respond to any allegations made and the procedures for dealing with grievance and dignity at work issues are based upon best practice principles.

## 6. Authority for Handling Grievance and Dignity at Work Issues

- Line Manager (including Supervisors/Senior Officers)
- Senior Management Team
- Personnel Committee Appeals Panel

## 7. Procedures Review / Consultation

- 7.1 The Procedures will be reviewed in March 2020 or an earlier date if required to respond to

new legislation, regulations or best practice. Any review will take account of the views of the Unions and staff that use the Grievance and Dignity at Work Policy and its Procedures on a regular basis.

## 8. Related Legislative and Statutory Framework

- 8.1 In formulating and implementing these procedures, statutory requirements including the Employment Act 2008; the Employment Tribunals (Constitution and Rules of Procedure)(Amendment) Regulations 2008 and the Employment Act 2002 (Dispute Resolution) Regulations have been incorporated in addition to the ACAS Code of Practice 2015: Disciplinary and Grievance Procedures.

## 9. Key Stakeholders

- Joint Consultative Forum
- All staff
- Board/Personnel Committee

## 10. Related Documents

- RCH Organisational Development Strategy
- RCH Code of Conduct
- RCH Equalities and Diversity Policy & Procedures
- RCH Disciplinary, Capability and Dismissal Policy & Procedures
- RCH Attendance Management Policy & Procedures
- RCH Bribery and Corruption Policies & Procedures

## 11. Procedures Owner

The Executive Director, Group Services is accountable for the implementation of these procedures. The Executive Director will be supported in this by the following officers:

- Head of Corporate Services
- Human Resources Team