

# Policy on the Handling of Grievances

# 1. Introduction

1.1 The objective of having a formal grievance procedure is to enable employees to air grievances, to have them heard in a fair and regularised environment, and, where appropriate, to have them redressed. The Grievance Procedure is a tool to assist **Global Spectrum Energy Services Plc.'s** management and staff in maintaining good working relationships and to foster a culture of fair treatment. Human Resources advice on the operation of this Policy and Procedure can be sought at any time.

# 2. Objectives

- 2.1 This Global Spectrum aims to resolve all grievances as close to their source as possible, and to ensure that they are handled with care and attention by the manager involved. Therefore, the Grievance Procedure will ensure that:
  - a) Grievances are resolved as quickly and as close to their point of origin as possible. Stipulated timescales will normally be strictly adhered to, unless, because of exceptional circumstances, all parties agree to them being varied. Aggrieved individuals will be asked at all stages about possible solutions to their difficulties.
  - b) Aggrieved individuals will have a clear opportunity to explain their point of view to the manager involved.
  - c) At informal action and mediation points, employees whose decisions, actions or omissions are the cause of complaint must be informed of the complaint by the complainant, or the complainant may ask a Line Manager to do this on their behalf if preferable, to give them the opportunity to either respond or to reconsider and amend their actions before the matter is taken further. Procedural support will be provided by Human Resources to all parties involved in the grievance process. If there is any uncertainty as to whom the grievance should be directed to, advice can be taken from Human Resources.
  - d) At each stage of the Procedure, the objective will be to determine whether or not the solution offered at the previous stage was appropriate.

# 3. Exclusions

- 3.1 Certain types of individual grievances cannot be dealt with under a procedure of this kind either because the procedure is inappropriate or because there are already established agreements or procedures for the settlement of disputes in relation to them.
- 3.2 The following areas are therefore excluded from the scope of the Grievance Procedure:

- a) Contractual documents such as the Memorandum of Agreement or Articles of Government.
- b) Where a number of Individuals are aggrieved against actions taken by a person or role they should raise individual grievances which will be investigated together.
- c) Superannuation matters.
- d) Remuneration and grading which is covered by the annual review process under the Framework Agreement.
- e) Complaints about Global Spectrum's decision to dismiss an individual. The Appeal stages of all HR Policies, Disciplinary Policy, Capability Policy or Sickness Absence Management Policy, which may result in an individual's dismissal, should be used to raise complaints of this nature.
- f) Grievances about actions taken by the Chairman or other members of the Executive. There are separate Policies / Procedures relating to grievances taken by, and against, members of the executives.

# 4. Harassment

4.1 When an employee feels they are being bullied and harassed by another member of staff, they should refer to the Global Spectrum's Bullying and Harassment Policy for Guidance. If an informal approach has not resolved matters, or the situation is too serious to be dealt with informally, then a formal complaint should be made using the Grievance Procedure using Appendix 11 and clearly annotating that the complaint is in relation to bullying and/or harassment The Global Spectrum has a number of trained Harassment Advisers who can give confidential impartial advice to an individual who feels they are being bullied or harassed. The list of Advisers and contact details can be found on the Equality and Diversity section of the HR procedure.

# 5. Vexatious Claims

5.1 The Global Spectrum may apply the agreed Disciplinary Policy / Procedure against individuals who invoke grievances where there is evidence that the claim is vexatious. Vexatious grievances are those that are designed to harass or subdue another person, have insufficient or no evidence in support of the complaint, are repetitive or meritless.

Global Spectrum reserves the right not to investigate any grievance where there is clear evidence that the grievance is vexatious following referral to the Director of Human Resources who will make the decision.

# 6. Conduct of Parties Involved

6.1 All parties are expected to conduct themselves in an appropriate manner, maintain confidentiality, and any statements are to be made in good faith.

# 7. Occupational Health Opinion

7.1 The Grievance Procedure will only be interrupted on medical grounds after appropriate medical advice has been sought by Human Resources from the Global Spectrum's HSE Adviser. This advice will be sought immediately when it comes to the attention of Human Resources.

# 8. Timescales

8.1 The aim of the Policy is to resolve all grievances as close to their source and as quickly as possible. For any complaint or issue, informal or formal, that is brought to the attention of a Manager, it is important that it is dealt with as close to the source as possible and as quickly as possible.

# 9. Training

9.1 Mandatory training will be carried out for all members, and cascaded to other appropriate managers and supervisors, to ensure a common understanding and application of the Policy and associated Procedures. Human Resources will ensure that any individuals undertaking a management role have been trained.

#### 10. Review

10.1 This Policy and Procedure is in line with current legislative requirements and will be subject to review, following legislative changes, or at the behest of the Joint Committee for management and representatives.

# Grievance Procedure

# 1. Informal Action Prior to Invoking Formal Procedure

- 1.1 When an employee has a grievance against another employee, the aggrieved employee should, in the first instance, endeavour to resolve the matter directly with the other member(s) of staff concerned through informal action.
- 1.2 This could be achieved by arranging a discussion/meeting (or series of discussions) in a confidential area with the staff member. An employee can approach their Manager to assist them to resolve the matter.
- 1.3 Dialogue is actively encouraged to achieve an early and satisfactory settlement of any grievance.
- 1.4 Both parties should keep a record of these early communications and any actions taken to resolve it, and any follow-up actions, to assist at later stages, in the event that the grievance is not resolved informally.
- 1.5 If an employee feels uncomfortable in approaching the employee with whom the grievance is being raised, and states the reasons for this, the aggrieved employee may move straight to mediation.
- 1.6 The Global Spectrum has a Counselling Service, Alliance Counselling, who are available to those members of staff who seek support.
- 1.7 Human Resources have produced separate guidance notes for Managers when dealing with informal grievances

# 2. Mediation

2.1 Before the Formal Procedure is started, if an individual still feels aggrieved he/she should write to the relevant Human Resources Manager who will talk to the aggrieved person and the subject of the grievance to see if both parties are willing to take part in a mediation process to try to resolve the grievance. Both parties will have a maximum of 10 days to decide whether or not to take part in the mediation process.

If yes, the relevant Human Resources Manager will identify, within 5 days of receipt of the letter requesting mediation, the services of an independent mediator normally from the list of Global Spectrum approved or trained mediators, to seek to mediate. The mediation process will begin within 10 days of a mediator being identified and all parties being informed. The independent mediator will agree a timescale for the completion of mediation with all parties.

2.2 All parties will be informed of the outcome of the mediation process within 10 working days of all the parties having been seen. If the outcome does not provide a solution, the aggrieved member of staff concerned may then move

to the Formal Procedure by completing the form in Appendix 2 and sending it to the relevant Human Resources Manager.

2.3 If any party, or both parties are not agreeable to go into mediation, the grievance will go into the Formal Procedure.

# 3. The Formal Procedure

- 3.1 The relevant Human Resources Manager will pass all documentation to the relevant manager to begin the Formal Procedure.
- 3.2 The Human Resources Manager will ensure the person against whom the grievance has been made is sent a letter advising them of the complaint and will include any details. In cases where mediation has not been successful, this letter may be formally, in writing, re-stating what has already been provided to the respondent in the mediation stage
- 3.3 Where an employee submits a grievance that is closely related to an ongoing issue (e.g. counter grievances), the Human Resources Manager will inform both the employees that as the issues are linked, the new grievance will be dealt with as part of the existing process.
- 3.4 If a grievance is raised during the course of a disciplinary or capability investigation, the employee will be asked to consider if their complaint can be included in the presentation of the case. If not, the grievance will be investigated by a separate independent manager whilst the disciplinary/capability investigation is being heard.
- 3.5 The line manager, assisted by a Human Resources Manager, will then arrange to meet with both parties to discuss the grievance and investigate the facts. This meeting will take place normally within 10 days.
- 3.6 If a grievance is against a line manager, the line manager's line manager will hear the grievance. A member of the executives together with an independent Director will hear the grievance, having taken advice from the Director of Human Resources or Director of Department.
- 3.7 Both parties may, if they wish, be accompanied to meetings by a trade union representative or a friend from within the Global Spectrum not acting in a professional capacity.
- 3.8 The relevant line manager, assisted by a Human Resources Manager, must undertake appropriate investigations into the grievance.
- 3.9 Where an investigation is complex, and there is a need to interview multiple witnesses, or where some of those involved in the investigation have holidays or sick leave during the period of the investigation, there may be a need to extend the deadline for the written response. This must be communicated to all parties allow for consideration of all parties' views on any extension.
- 3.10 Where the aggrieved party or the individual with whom the grievance is being raised, indicate they have witnesses to substantiate their case, these

individuals may be invited to attend a meeting. Any witnesses are entitled to be accompanied to such meetings by a Trade Union Representative or a friend from within the Global Spectrum. Their attendance will be to respond to questions by either the line manager / Human Resources Manager.

- 3.11 Meetings will normally be recorded to assist the HR Assistant taking notes to transcribe a summary of the conversation for signature by the individual.
- **3.12** Transcripts of the witness investigation interviews will be shared with the party against whom the grievance has been raised to allow them the opportunity to respond to any allegations that have been made against them by witnesses prior to the report being produced by the investigating team when the investigation has been concluded.
- 3.13 Anonymous statements will be accepted by the investigating team.
- 3.14 Where an investigation has concluded that a sanction should be given the investigation should move to being a Disciplinary investigation.

# 4. Closure of the Grievance Complaint

4.1 The investigation team will decide the outcome from the investigation and will produce a Report which will be sent to both parties and will then arrange to meet with both the parties either individually or jointly to confirm the outcome of the investigation. This will be followed-up in writing to both parties, within 10 working days.

# 5. Appeal

- 5.1 If the employee is not satisfied with the outcome of the Formal Procedure, or believes that there is maladministration, then the employee may write to the Chairman and the Director of Human Resources, within 10 days of receipt of the outcome. The letter should outline the reasons for the appeal. (Previous documentation will be provided for the Appeal Panel by Human Resources, if necessary.) The Chairman (or nominated deputy) and the Director of Human Resources, (or an independent Human Resources Manager) will arrange to meet both parties within 10 days. Employees may, if they wish, be accompanied by a trade union representative or a friend from within the Global Spectrum not acting in a professional capacity. The relevant Human Resources Manager will advise the person against whom the grievance has been raised that an Appeal has been lodged. The Director of HR reserves the right not to consider appeals that are frivolous or vexatious following consultation with Chairman or nominated Deputy, or that repeat the complaint that has already been considered.
- 5.2 As the Appeal is against the findings of the investigation team, the two parties to the Appeal will be the investigation team and the employee who raised the original grievance (the appellant). The appellant will have the right to be accompanied to the hearing by a Trade Union Representative or a friend from within the Global Spectrum.

- 5.3 There is no right of appeal against the outcome of the investigation by the person against whom the grievance has been raised.
- 5.4 The Chairman's (or nominee's) decision will be final, except in cases where the Employment Policy Committee (EPC) subsequently advises reconsideration on the ground of maladministration at the Appeal Stage.

# 6. Vexatious Claims

- 6.1 If, during the hearing of a grievance, at the mediation stage, the formal stage or the appeal stage, the relevant line manager, who is hearing the grievance, determines that the grievance is without substance or merit, and there is evidence that the aggrieved employee was dishonest or malicious or frivolous or vexatious, this finding will be referred to the Chairman (Quality) incorporating the role of Global Spectrum Secretary.
- 6.2 The Global Spectrum Secretary will convene a Panel of 3, (2 senior managers not previously involved and a representative), to consider the evidence gathered. The Disciplinary Policy may be invoked against the person bringing the grievance on the basis of this evidence.
- 6.3 The Global Spectrum reserves the right not to pursue grievances that are frivolous or vexatious, or that merely repeat complaints that have previously been made and considered.

# 7. Employment Policy Committee

7.1 In the event that a member of staff who brought the grievance has concern in relation to maladministration of the Procedure at the Appeal Stage, or that the Procedure at the Appeal Stage has not been followed correctly, then the employee may write to the Legal Services Manager asking for the Employment Policy Committee (EPC) to review the application of the procedures. The Chair of EPC will rule on whether there is sufficient evidence to proceed further. When he/she rules that insufficient evidence has been presented to justify the convening of a panel, the Committee will be provided with a report to that effect at its next meeting. When he/she rules that sufficient evidence has been presented to justify the convening of a panel, the Convening of a panel, the Legal Services Manager will be asked to convene a meeting of a panel as soon as possible (the EPC has agreed that the panel will consist of three Governors).

# Guidance Notes (General)

- 1. For Deputy Director and the Global Spectrum Secretary, wishing to air grievances, the stages are the same as in the main document except that the Chairman of the Board of Directors will be the final arbiter.
- 2. For the purposes of this grievance procedure a line manager shall be defined as follows:
  - For Department, the manager shall be the Chairman.
  - For Department Directors the manager shall be their appropriate EXECUTIVES member.
- 3. In the absence of a line manager, it will be necessary to nominate a deputy to represent the line manager in this Procedure.
- 4. Human Resources will ensure the line manager, or deputy, involved in this Procedure has been trained.

# **Guidance on Vexatious Claims**

#### 1. False Allegations

Where an employee believes another employee is using the grievance procedure to make deliberately false allegations, or as a form of bullying against a colleague or manager, and this is proven by way of the investigation, this will be treated as a disciplinary matter, and in serious cases, may result in dismissal.

#### 2. Frivolous or Trivial Grievances

If the grievance is clearly frivolous, and no supporting evidence has been provided, the Global Spectrum will inform the employee that it will not be dealt with under the grievance procedure unless the employee can provide evidence that it is based on a legitimate concern.

In this event the Human Resources Manager will write to the employee and explain this is why no further steps will be taken. The employee can resubmit the grievance with additional evidence, or explanation, which demonstrates that a substantive complaint is being made, but the submission must be made within 10 days of the notification to the employee from Human Resources

# 3. Grievances that Repeat Earlier Complaints

If a grievance is submitted on the same grounds as a previous grievance, the employee will be asked how this differs from the previous one and what new incident or evidence has come to light.

Where there is evidence that the process is being used inappropriately or maliciously, this will be treated as misconduct and will be investigated under the Disciplinary Policy.

#### **Guidance Notes on Informal Grievances**

#### 1. Working Relationships

Performance and productivity are dependent on effective working relationships, and the fair and reasonable handling of concerns or grievances is an important element in creating and maintaining those relationships.

If a concern or grievance is raised this provides an opportunity for the line manager to resolve a workplace problem and improve working relationships and morale. Knowing about a problem is always better than remaining ignorant of the fact that an employee is unhappy or disgruntled.

Even if a concern/grievance appears to be trivial, line managers should recognise that it may not be trivial to the employee. If it concerns something minor the chances are that you will be able to resolve it quickly and easily. This is an opportunity that should not be missed as it will help to build trust and respect and enhance management/staff relationships.

Line managers should also maintain awareness that some employees may remain silent and dissatisfied rather than raising the matter. This may be because the employee:

- Thinks the manager is too busy
- Feels embarrassed, anxious or nervous of approaching the manager
- Fears criticism or rejection from the manager
- Believes that the manager may not take the matter seriously or,
- Worries that he/she may be seen as a trouble-maker.

Instead of waiting for an employee to come forward with an issue, you should:

- be maintaining regular contact with your team of staff about day to day workplace issues
- regularly ask questions about how your staff perceive various workrelated matters
- listen actively to what employees say
- keep your eyes and ears open to any potential problems or rumblings of discontentment.

If you make an effort to instigate informal chats with employees on a regular basis it is much more likely you will pick up on any issues before they have the opportunity to escalate into a formal grievance.

# 2. Managers' Guide To Handling Informal Grievances/Concerns

When an employee makes a verbal complaint to his or her Line Manager this can be classed as an **informal grievance**. You must deal with the complaint irrespective of whether it is verbal or in writing. It is not helpful to insist that an employee who has raised a complaint verbally should also have to put it in writing as some employees may not wish to do so. It is better to deal with the issue and resolve it as soon as possible.

The Line Manager should arrange to meet with the employee to understand why they are concerned or dissatisfied and look for a solution to the problem. The discussion/meeting should be to:

- Ensure the employee can fully explain why they have a concern
- To find a way to resolve the concern to the employee's satisfaction.

A record of any such meetings **must be made.** A written response/summary of the meeting, such as an e-mail, should be sent to the employee as feedback. It is essential that following any such meetings and written summaries, that the subject of the informal grievance is made aware of the concerns as soon as possible.

# 3. Keeping Records

Retain records of any informal issues brought to you and the action you have taken, including any follow-up actions such as staff development etc.

# 4. Timescales

Where an employee has raised an informal grievance, it is important the matter is dealt with promptly. This does not mean it should be dealt with in haste, but the line manager should make themselves available to discuss the matter without undue delay. Any delay in dealing with the matter is likely to make matters worse and may:

- Make the employee feel anxious
- Have an escalating negative impact on the employee's performance and productivity
- Create resentment
- Demotivate the member of staff who may believe that the line manager does not care about them and their concern
- Any relevant documents may have been discarded or lost.

#### When a Grievance has been raised against an Individual

If someone raises a formal grievance against another member of staff, Human Resources will write to this individual to advise them of this and to ensure they receive a copy of the complaint made against them.

If an individual raises a counter-grievance this will be dealt with within the same investigation.

It can be very stressful to be the subject of a grievance. If an individual is a member of a Trade Union they should arrange to speak to a Trade Union Representative as soon as possible to arrange representation.

The individual will be invited to a meeting with the investigating team to allow an opportunity to present their version of events. It is recommended that individuals arrange to be accompanied to these meetings by a friend from within the Global Spectrum or a Trade Union Representative to give support.

During the meeting a series of questions will be asked and the meeting is normally recorded by a HR Assistant who will then type up the notes which will be sent out for checking and signature to confirm accuracy.

When the investigation has concluded both parties are invited to attend meetings to be advised of the outcome, and this will be followed-up in writing.

If the outcome of the investigation is that action is required to be taken this action will be discussed with the individual at the outcome meeting.

If the outcome of the grievance is that the complaint is dismissed, the matter will be closed and no record will be retained. However, the complainant does have a right of appeal, and if they do appeal, Human Resources will write to the subject of the grievance to advise them of this.

There is no right of appeal against the outcome of the investigation by the person against whom the grievance has been made.

# 1. Guidance on Carrying Out an Investigation

It is the responsibility of the relevant Line Manager to lead the grievance investigation, supported and advised by a Human Resources Manager.

A grievance may raise matters about which the line manager is uncertain or does not have all the background facts. The grievance may also involve allegations about, for example, bullying. Such matters need to be investigated promptly, impartially and thoroughly.

An investigation may involve:

- Checking the wording of policies or procedures
- Talking to the HR Department
- Reviewing any other relevant documentation
- Interviewing witnesses to establish the facts.

# 2. Interviewing Witnesses

As part of the process of an investigation into a grievance it may be necessary for other employees, managers and, possibly, people from outside the Global Spectrum to be interviewed. To ensure that this is done effectively and fairly, the investigating manager should:

- Prepare a list of questions in advance of each interview
- Present the facts of the employee's complaint objectively and without embellishment and ask for comments
- Avoid making assumptions
- Point out and question any discrepancies in the evidence
- Not be afraid to question what the interviewee is saying
- Be careful not to express disapproval or pass judgment
- Make sure the whole story is uncovered
- Keep a record.

An investigating manager should always remain open-minded when looking into the substance of a grievance. He or she should be careful not to make assumptions or jump to premature conclusions about the employee's motives, the reasons for making the complaint, or who is to blame for a particular problem.

# 3. Conducting the Meeting

When you are conducting the meeting you must:

- Listen to what the employee has to say
- Make sure there are no interruptions
- Ask questions to clarify the facts and explore the matter fully
- Gain a clear understanding of why the grievance has arisen

- Distinguish between matters of fact and opinion
- Ask how the employee would like the grievance to be resolved.

Managers need to:

- Listen actively and without bias
- Remain objective when hearing points of view that do not match your own
- Ask open and probing questions
- Show empathy
- Avoid expressing emotional reactions
- Be direct and honest without alienating the employee
- Reassure the employee you will do whatever is reasonable and practicable to resolve the grievance
- Not be afraid to point out any discrepancies or to question what the employee is saying
- At the end of the meeting confirm what has been discussed, check understanding and advise what will happen next.

# Letter Inviting Employee to a Grievance Meeting

Dear

# Invitation to a Grievance Investigation

I am writing to confirm receipt of your formal grievance dated (date) against..

In accordance with the Global Spectrum's Grievance Procedure, which is enclosed, I am writing to invite you to attend a meeting to discuss the issues that you have raised. This meeting has been arranged for (date) at (time). The meeting will be held at (location).

The investigation will be conducted by (name of manager) and (name of HR Representative). You are entitled to be accompanied at the meeting by a friend from within the Global Spectrum or a Trade Union Representative.

The purpose of this meeting is to allow you to explain your grievance and discuss how it can be resolved. If you wish to rely on any written material or documents, you may bring them to the meeting. However, it would be helpful if you could send copies to HR in advance.

If you are unable to attend the meeting, please inform HR as soon as possible. If your chosen companion is not available, we will endeavor to re-arrange the date and time.

If you have any queries about the process, please let HR know who will be happy to discuss the arrangements with you.

Yours sincerely

Appendix 7

# Letter Informing the Subject of the Grievance

Dear

# Grievance

I am writing to inform you that a grievance has been raised against you by (name).

The nature of the allegation is (give full details).

I would like to assure you that management has not at this stage made any judgement on the validity of the grievance and the matter will be fully and impartially investigated before any decision is made as to what, if any, action needs to be taken.

A meeting has therefore been arranged for you to discuss with us your version of events and this meeting will be on (date) at (time) in (location). You are entitled to be accompanied at the meeting by a friend from within the Global Spectrum or a Trade Union Representative. If you have any written material or documents which may assist with the investigation you should bring these to the meeting.

If you have any queries, please do not hesitate to contact HR.

Yours sincerely

# Letter advising Grievance will not be Investigated

Dear

#### Grievance

I confirm that on (date) we received your (form/letter) dated (date) raising a formal grievance about (detail).

The Grievance Procedure is an important way of making sure that genuine concerns and complaints raised by employees are investigated and fairly dealt with. The Procedure deals with all complaints of genuine substance but we do not believe that your complaint falls into this category and we do not propose to take any further action in relation to it.

I would suggest that issues such as the one you have raised can best be dealt with through informal conversation with your manager or colleague. We remain committed to dealing fairly and thoroughly with legitimate grievances and concerns. If there are circumstances that you have not mentioned that make your complaint more serious than it currently appears, please let me know.

I hope that, on reflection, you will see that the Grievance Procedure is not an appropriate avenue to pursue the matter you have raised but if you would like to discuss this in more detail, please do not hesitate to contact me.

Yours sincerely

Human Resources Manager

Appendix 9

# **Grievance Outcome Letter**

#### Dear

#### **Outcome of Grievance**

Following the meeting held with you on ..... to discuss the grievance you raised against (name of person) or you, I am now writing to advise you of the outcome.

After listening carefully to everything that you have said, the investigating team have reached the following conclusions:

1	 	 	 	
2	 	 	 	
3	 	 	 	etc.

It is acknowledged that

As a result of our findings, we have recommended ..... etct I hope this outcome assists you in understanding etc.

However, if you wish to Appeal against the outcome, you may do so by setting out the grounds of appeal, in writing to the Vice-Chancellor, copied to Juliet Amos, Director of Human Resources, within 10 working days of receipt of this letter.

Yours sincerely

Line Manager

# Letter Inviting Employee to a Grievance Appeal Hearing

Dear

# **Grievance Appeal Hearing**

I am writing to confirm receipt of your notice of appeal dated (date) in relation to the outcome contained in the letter dated (date).

In accordance with the Grievance Procedure, I am now inviting you to attend a hearing to discuss your appeal. The meeting has been arranged for (date) and will begin at (time) in (location).

The meeting will be attended by (management attendees). You are entitled to be accompanied at the meeting by a friend from within the Global Spectrum or a Trade Union Representative. The purpose of the meeting is to allow you to explain the grounds on which you believe the findings of the original grievance were wrong. If you are unable to attend the meeting on this date, please let HR know as soon as possible to allow an alternative date to be arranged.

Yours sincerely

# **Grievance Procedure – Documentation for Formal Stage**

# Confidential

Name:

Name of person(s) against whom the grievance is to be invoked:

Working Relationship of person(s):

# Solution being sought:

Details of Grievance: (e.g. Dates, Event etc.) Please use additional sheet if necessary and attach copies of any relevant letters or memos.

Explain outcome of mediation process and reasons why you felt the decision was unsatisfactory:

When completed this form should be forwarded to the Director of Human Resources, and a copy should be sent to the person against whom you are aggrieved who will then forward a copy onto the person whom the grievance is against.

Signature

Date