

<b>POLICY TITLE:</b>	<b>Grievance</b>
<b>Policy Number:</b>	AHR04.3
<b>Version Number:</b>	02
<b>Applies to:</b>	All Aspris colleagues
<b>Date of Issue:</b>	11/05/2023
<b>Date of Review:</b>	10/05/2026
<b>Author:</b>	Kylie Cheston, Deputy Director of HR
<b>Ratified by:</b>	Kylie Cheston, Deputy Director of HR
<b>Responsible signatory:</b>	Louise Watts, Group HR Director
<b>Outcome:</b>	<p>This policy aims to:</p> <ul style="list-style-type: none"> <li>• Provide employees with the information they require in raising an informal grievance, and if the grievance cannot be resolved informally, raising a formal grievance.</li> <li>• Provide managers with guidance on how to deal with grievances when they are received.</li> </ul>
<b>Cross Reference:</b>	<p>AHR04.1 Diversity and Inclusion  AHR04.2 Disciplinary Procedure  AHR04.6 Active Colleague Engagement  AHR04.10 Anti-Bullying and Harassment  ALE03 Data Protection  AOP21 Whistleblowing (Protected Disclosure)  Colleague Handbook</p>

**EQUALITY AND DIVERSITY STATEMENT**

Aspris is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.

This policy covers all parts of Aspris Services – The Care and Education Divisions; Central services and our Fostering service. For the Fostering service and the 2 operational divisions, there are local procedures that relate to some of these policies, where necessary.

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, email [AsprisGovernanceHelpdesk@aspris.com](mailto:AsprisGovernanceHelpdesk@aspris.com)

# GRIEVANCE

## 1 INTRODUCTION

- 1.1 Aspris is committed to promoting effective working relationships and an environment in which colleagues feel able to raise work-related issues with their managers.
- 1.2 There are no local procedures or practices applicable to this policy.
- 1.3 This policy should be used in conjunction with the related policies listed on the preceding page where applicable.

## 2 AIMS

- 2.1 Aspris' policy aims to encourage open communication between colleagues and their managers to ensure that questions and problems that arise can be expressed and, where possible, resolved quickly and to the satisfaction of all concerned.

## 3 SCOPE

- 3.1 This policy and procedure applies to all Aspris colleagues. This policy is non-contractual and where there is a legitimate business reason to do so, Aspris reserves the right to vary the application of this process.

## 4 RESPONSIBILITIES

- 4.1 **Colleagues** – it is the responsibility of the colleague to raise any issues in a timely and appropriate way, initially with their line manager, to enable a swift resolution. Colleagues also have a duty to act in accordance with Aspris policies and procedures and must familiarise themselves with these documents.
- 4.2 **Managers** – it is the responsibility of the manager to attempt to resolve any grievances informally and at the earliest opportunity.
- 4.3 **GROUP HR Director** – it is the responsibility of the Group HR Director to ensure fair processes are in place and support and guidance is available for colleagues and managers.

## 5 GRIEVANCE PROCEDURE

- 5.1 Most routine concerns or complaints relating to a colleague's employment will be dealt with quickly and satisfactorily by line management. In many situations, the most appropriate and efficient way of resolving concerns or issues is to approach line management promptly in order to discuss an appropriate solution informally. Aspris would therefore encourage informal and open discussion at the earliest opportunity.
- 5.2 If it is not possible to resolve a grievance informally, colleagues should raise the matter formally and without unreasonable delay (normally no longer than seven working days after the matter arose) with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance.
- 5.3 Where colleagues have difficulty expressing themselves because of language or other difficulties they may like to seek help from colleagues, trade union or colleague representatives.
- 5.4 Allegations of bullying and harassment will be dealt with in line with AHR04.10 Anti-Bullying and Harassment policy. Similarly, whistleblowing claims will be dealt with in line with AOP21 Whistleblowing (Protected Disclosure). The Grievance Procedure cannot be used to

complain in relation to issues of dismissal or disciplinary. If you wish to raise a complaint about a dismissal or disciplinary action, the appropriate forum to do so is via the appeal method outlined in the Disciplinary Procedure.

## 6 STAGES IN THE GRIEVANCE PROCEDURE

6.1 **Dealing with a grievance informally** - Prior to the formal procedure a colleague should first make an attempt to resolve the grievance informally through discussion with their line manager.

6.1.1 It is the manager's responsibility to deal with an informal grievance when it is raised.

6.1.2 Whilst this stage is informal and therefore outside of the formal grievance procedure, the manager should make note of:

- (a) The nature of the grievance;
- (b) Their response;
- (c) Any action taken; and
- (d) The reason for the action.

6.2 **Formal grievance procedure** - Where a grievance cannot be resolved informally, the following stages will apply.

6.2.1 **Stage one:**

6.2.1.1 **Colleague to inform their line manager of the grievance** - If it is not possible to resolve the grievance informally the colleague should raise the matter(s) formally to their line manager or, if the grievance concerns their line manager, with a different manager. This should be in writing without unreasonable delay. The letter should include as much detail as possible (i.e. dates and times of events). If it is felt that there is insufficient information contained within the grievance, the colleague may be asked for more information so that an initial investigation can take place.

6.2.1.1.1 The amount of investigation that will be undertaken is dependent on the nature of the grievance being raised and the information initially provided. An investigation may involve interviewing the colleague and witnesses, collecting statements and/or reviewing any relevant documents. Colleagues are required to co-operate with any grievance investigation, including providing details and names of individuals involved. An investigation may be commenced, if required, either prior to or after the grievance meeting, if appropriate.

6.2.1.2 **Inviting the colleague to a grievance meeting** - The manager will invite the colleague to discuss the grievance received in more detail. The letter will detail the colleague's right to be accompanied by a work colleague or trade union representative (see section 4.3). The meeting will be arranged within 10 days of receiving the grievance (if reasonably practicable).

6.2.1.3 **Holding a grievance meeting** - Colleagues should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

6.2.1.4 **Outcome** - Following the meeting and any investigation which has taken place, the manager will confirm their decision in writing to the colleague. The outcome may be that the grievance is upheld, partially upheld or not upheld. The colleague has the right to appeal against the manager's decision (please see stage two).

6.2.2 **Stage two:**

6.2.2.1 **Appeal** - Where a colleague is not satisfied with the decision made after a grievance hearing the colleague may appeal. The appeal must be in writing to the appropriate manager (who

will be nominated in the letter advising them of the outcome of stage one of the grievance procedure). The appeal must fully and clearly set out the grounds of appeal within five days of receiving the outcome letter. The appropriate manager will invite the colleague to an appeal meeting to discuss the appeal further. This meeting will be arranged within 10 days of receiving the appeal (if reasonably practicable). The manager will then confirm their decision in writing to the colleague and this decision will be final.

### **7.3 Accompaniment**

7.3.1 Colleagues have the right to be accompanied by a companion. A companion can be a fellow colleague, an accredited trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a colleague. It is for the colleague to organise for someone to accompany them if they so wish. Colleagues are free to choose an official from any union to accompany them at a grievance or appeal hearing, regardless of whether the union is recognised or not. Solicitors and other external legal advisors are not acceptable as a colleague's companion; family members are also not acceptable.

7.3.2 There is no duty on a fellow colleague, trade union representative or official to accept a request to accompany a colleague and no pressure should be brought to bear on a person if they do not wish to act as a companion.

7.3.3 If the companion is not available, the colleague will be invited to choose another companion who is available. The unavailability of a companion is not sufficient grounds to delay the hearing. However, if the chosen companion is not available then, provided the colleague proposes an alternative time that is within five working days (beginning with the day on which the hearing was scheduled for), then the hearing will be postponed. A postponement longer than five working days will be at Aspris' discretion, and will only be considered for justifiable reasons, which do not include attempts to delay the grievance or appeal process.

7.3.4 The companion should be allowed to address the hearing to put and sum up the colleague's case, respond on behalf of the colleague to any views expressed at the meeting and confer with the colleague during the hearing. The companion does not, however, have the right to answer questions on the colleague's behalf, address the hearing if the colleague does not wish it or prevent the investigatory/hearing manager from explaining their case.

7.4 Every effort will be made to resolve the issue as quickly as possible at each stage, and within the agreed timescales.

## **8 MULTIPLE GRIEVANCES**

8.1 Managers reserve the right to refuse to hear a grievance if it clearly relates to one dealt with previously and in accordance with this grievance procedure.

## **9 COLLECTIVE GRIEVANCES**

9.1 Collective grievances are where two or more colleagues raise a grievance, or where this is raised by an Active Colleague Engagement Forum representative, provided this is on behalf of the representative group. These grievances are not dealt with in line with this procedure but will be investigated and responded to appropriately with guidance from your Regional HR Advisor/HR Business Partner or Central HR, Who should be notified as soon as reasonably practicable.

## **10 SICKNESS DURING A GRIEVANCE PROCEDURE**

10.1 When a colleague raises a grievance and then begins a period of certified sickness absence and it appears that the reason for sickness is relating to the grievance, the following will apply:

- (a) The manager responsible for the grievance will keep in regular contact with the colleague and communicate in a sensitive manner;
- (b) It may be appropriate, depending on the circumstances, to refer the colleague to occupational health or make a request for medical information from the colleague's Registered GP;
- (c) Aspris also acknowledges that where the reasons for sickness stem from an unresolved grievance, it is likely to be in the colleague's best interests to progress with dealing with the grievance in a timely manner in order to aid recovery;
- (d) It is also important that grievances are investigated in a timely manner whilst the facts and other evidence are most recent.

10.2 Meetings during the period of sickness absence:

- (a) Consideration will be given to making reasonable adjustments to the usual process, for example by meeting the colleague at home or a mutually agreeable venue or providing the colleague with the opportunity of conducting the grievance hearing over the telephone or by making written submissions if they feel unable to attend a face-to-face meeting;
- (b) If there are reasonable grounds to conclude that the colleague is unreasonably delaying the process then it may result in the grievance hearing taking place in the colleague's absence with a decision issued based on the available information.

10.3 Wherever possible, Aspris will progress the matter in order to deal with the grievance, invite the colleague to a grievance hearing and any necessary investigation.

## **11 WHEN THE GRIEVANCE PROCEDURE DOES NOT APPLY**

11.1 There are specific circumstances in which the grievance procedure will not apply. These may be summarised as follows:

- (a) When a grievance is of a 'collective nature', that is raised by two or more colleagues (see section 6);
- (b) If either party behaves in a violent or unreasonable manner, making it impossible to sit down and work through a formal procedure;
- (c) Where external factors preclude working through the formal procedure e.g. either party leaves the country or becomes seriously ill;
- (d) If the grievance concerns matters which relate to a separate process e.g. redundancy consultation, disciplinary or capability, then Aspris may decide that a separate process is inappropriate.

## **12 OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES**

12.1 Where a colleague raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## **13 RECORDS**

13.1 Records will be kept detailing the nature of the grievance raised, any notes taken at meetings, the Aspris response, any action taken and the reasons for it. These records will be retained on the colleague's personal file and will be confidential, in accordance with the Data Protection Act.

## **14 COLLEAGUE ASSISTANCE HELPLINE**

14.1 Aspris understand that raising a grievance may be difficult for colleagues and therefore reminds employees that they are able to access the Colleague Assistance Helpline by

telephone on 0800 015 9633 - quoting Aspris. This helpline is a 24 hour, 7 days a week service for employees who require support in difficult situations.

**References**

Data Protection Act 2018  
ACAS Code of Practice

Associated letters are available from your Regional HR Advisor/Business Partner or Central HR.