

## Drive Lounge Academy Grievance Procedure

### Introduction

The aim of this Grievance Procedure is to settle grievances or complaints fairly and it is intended to operate simply and quickly. Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made in order to avoid proceeding to the next stage and to settle the issue amicably. If an employee has a problem with any other member of staff, and is unable to sort it out informally, the matter should be referred to his/her line-manager. You may be able to agree an informal solution between you.

Informal approaches are encouraged in the Acas Code of Practice for Disciplinary and Grievance Procedures ([www.acas.org.uk/dgcode2009](http://www.acas.org.uk/dgcode2009)). Often a quiet word or asking for support from a line manager may be all that is needed to resolve an issue.

ACAS recommends that in certain circumstances it may, with mutual agreement, be helpful to consider using an independent third party to help resolve the problem. In some cases an external mediator might be appropriate.

Mediation does not decide on who is right or wrong. Nor can the parties be forced to undertake mediation – it must be a purely voluntary process. But if the issue cannot be resolved informally, the employee should be provided with the opportunity to raise a formal grievance.

If the problem is serious or remains unresolved or the employee wishes to raise the matter formally, the employee can use the formal grievance procedure. In the case of a grievance being taken out as a counter-grievance, or in response to the start of disciplinary action, it may be appropriate to deal with both issues at the same time. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

### The Procedure

1. Raise the grievance in writing. The employee should raise a grievance with their line manager without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.
2. If the grievance is against the line manager, the matter should be raised with the Head of Centre. In the case of the Head of Centre being the subject of the grievance, the matter should be raised with the Director. Whoever deals with the grievance at the meeting, will normally be excluded from hearing any appeal.
3. The ACAS Guide accompanying the Code of Practice recognises that small organisations may have a limited number of managers to provide alternatives to raise a grievance with. Therefore both partners should be able to deal with the grievance, but should wherever possible be excluded from hearing the case at an appeal. However if this is not possible they should “make it clear that they will treat all grievances fairly and objectively even if the grievance is about something they have said or done.”
4. The employee must detail in writing the specific circumstance or circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable.
5. Employees should stick to the facts and avoid insulting or abusive language. The ACAS Code also states that “where employees have difficulty expressing themselves because of language or other difficulties they may like to seek help from trade union or other employee representatives or from colleagues.”

6. Invitation to a Grievance Meeting The line manager will invite the employee to attend a meeting, without unavoidable delay to discuss the matter.
7. The meeting should ideally be arranged within five working days of receiving the written grievance. The line manager will also state that the employee is entitled to be accompanied by a trade union representative or work colleague at the meeting.
8. The employee has a statutory right to be accompanied at any grievance or appeal meeting. You must let them bring either a fellow worker, a trade union representative or official employed by a trade union. This companion can speak at the meeting on behalf of the employee, but they cannot answer questions put directly to the employee.
9. You may decide to also allow employees to be accompanied at any formal investigatory meetings but this is not essential under the Code.
10. Where the organisation employs only one worker, you may decide to allow the employee to be accompanied by a union representative or friend. Similarly you may allow them to be accompanied by a friend at any Appeal meeting.
11. You should also consider whether any reasonable adjustments are required for disabled employees, such as allowing a support worker or sign language interpreter to attend the meeting.
12. Grievance Meeting Where possible, a note-taker, who must be uninvolved in the case will take down a record of the proceedings. The line manager (or Director) will introduce the meeting, read out the grounds of the employee's grievance, ask the employee if they are correct and require the employee to provide clarification regarding details of the grievance if unclear.
13. The employee will be given the opportunity to put forward her/his case and say how they would like to see it resolved.
14. The employee may call witnesses and refer to any documents previously provided to the line manager (or Director).
15. The line manager (or Director) may question the employee and any of the employee's witnesses. The employee/companion will be given the opportunity to sum up but may not introduce any new material.
16. The meeting may be adjourned by the line manager (or Director) if it is considered necessary to undertake further investigation. Any necessary investigations will be carried out to establish the facts of the case.
17. The meeting will be reconvened as soon as possible. The Acas Code states: "Employers should carry out any necessary investigations, to establish the facts of the case" and that "consideration should be given to adjourning the meeting for any investigation that may be necessary."
18. Ideally the person who is investigating the issue will not be the person making the final decision, particularly in serious grievance cases such as allegations about bullying and harassment. However the Code recognises that this may not always be possible for some small organisations with few managers.
19. The Acas guide accompanying the Code states that "it is generally good practice to adjourn a meeting before a decision is taken... This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised."
20. Having considered the grievance, the line manager (or Director) will give her/his decision regarding the case in writing to the employee which will normally be within five working days. If appropriate, the decision will set out what action the employer intends to take to resolve the grievance or if the grievance is not upheld, will explain the reasons. This will also include notifying the employee of her/his right of appeal and the procedure to be followed.
21. The Acas guide accompanying the Code warns employers to "bear in mind that actions taken to resolve a grievance may have an impact on other individuals, who may also feel aggrieved."

22. Any employee who is the subject of a grievance should be provided with an opportunity to respond to the complaints made against them.
23. Appeal If still unresolved, the employee may refer the matter, in writing, to the Directors, or if one Director has already been involved in an earlier stage of the procedure, to the other Director. The employee wishing to appeal against a grievance decision, must do so in writing within five working days of receiving written notification of the grievance decision, stating the reasons for the appeal.
24. Any documents submitted in support of the appeal must be attached. Arrangements for the appeal meeting will be made by the appropriate Director who will ensure that a notetaker is present if possible.
25. The appeal meeting should be held without unavoidable delay.
26. Where possible, at least two members of the company will constitute an Appeal Panel. The members hearing the appeal should, if at all possible, have had no direct involvement in the case.
27. The employee is entitled to be accompanied by a trade union representative or work colleague at the appeal.
28. The meeting may be adjourned by the Appeal Panel or person hearing the appeal, if it is considered necessary to undertake further investigation.
29. The meeting will be reconvened as soon as possible. The decision of the Appeal Panel or person hearing the appeal shall be final.