

Pabulum Grievance Policy and Procedure



Grievance Policy and Procedure

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1. Purpose and aims

Grievances are concerns, problems, or complaints that colleagues raise with their employers. They may relate to, amongst other things, working relationships, new working practices, Company changes, health and safety, equal opportunities.

Pabulum is committed to maintaining a positive working environment built around effective working relationships which allow issues to be discussed and easily resolved at an early stage. Such a working environment is an essential element of the provision of services so that "as many children and students as possible have a hot healthy, nutritious meal and to deliver excellent customer service". It is important to encourage open and honest communication from all colleagues so that there is the opportunity to address any concerns in a swift and effective way.

In most circumstances, there are clear benefits to everyone involved, if matters can be resolved informally; however, it is appreciated that this may not always be possible. The Company will try to resolve, as quickly as possible; any grievance a colleague may have about his or her employment.

This procedure applies to all colleagues regardless of length of service. It does not apply to agency workers or self-employed contractors. This procedure is open to any colleague who has a grievance in relation to their employment and is designed to enable colleagues to resolve grievances informally with the person to whom they immediately report without recourse to the formal procedure.

Every effort should be made to resolve matters informally prior to the formal stages being invoked. However, where a grievance cannot be resolved informally, the colleague should raise it formally as set out in this procedure.

This document combines both policy and procedure but will be commonly referred to as the Grievance Procedure. It sets out a supportive framework to ensure that all grievances are dealt with in a fair, open, and timely manner.

This procedure covers both individual and collective grievances, however due to some of the practicalities of operating it may be varied to enable collective grievances to be considered and resolved effectively.

This procedure is accompanied by a toolkit containing further guidance for managers. This procedure does not form part of any colleague's contract of employment and may be amended at any time.

In certain circumstances, the use of this Grievance Procedure will not be appropriate and other routes should be used. This includes appeals against action under other formal procedures where an appeal right exists, including dismissal or other disciplinary action.

Complaints relating to actions and behaviour that fall under the remit of the Dignity and Respect at Work Policy will follow the structure of the Grievance Procedure but will be handled in accordance with the specific policy requirements and guidance relating to matters of this nature. Complaints about serious wrongdoing that is considered to be in the public interest, such as related to safeguarding, fraud or corruption, may be raised via the Whistleblowing Procedure.

Exceptions to the Grievance Procedure also include complaints regarding established terms and conditions, approved policy, or matters beyond the control of the Company, such as statutory deductions from salary; unless the colleague considers that provisions have been applied or interpreted incorrectly or unfairly.

This procedure does not form part of any colleague's contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case.

2. Responsibilities

2.1 Colleagues

Colleagues have a responsibility to raise any concerns about their employment in a timely and constructive manner, as they occur, and to discuss these concerns with their manager, or the next level manager where appropriate.

2.2 Managers

Managers have the responsibility to adhere to this procedure and to bring it to the attention of their colleagues. Managers must ensure the procedure is consistently and fairly applied and should refer to the accompanying toolkit for further essential guidance on how to operate it effectively.

2.3 People Team

The People Team is responsible for the provision of professional advice and support to enable the operation of this procedure in a fair, consistent, and timely manner, and to help to facilitate early and effective resolution of colleague grievances where possible.

3. General principles

In most circumstances, grievances arise from a lack of communication, knowledge or understanding of an issue. The Grievance Procedure is not a substitute for effective day-to-day communication and open discussion between colleagues and managers is encouraged to resolve daily work issues informally.

Grievances must be raised within three months of the relevant incident occurring. Grievances received outside of this timeframe will only be considered where the issue giving rise to the grievance is continuing or the Company, at its discretion, considers it reasonable in all the circumstances to allow the grievance to proceed.

Where a grievance is raised against another colleague, that colleague will be advised of the grievance at the earliest opportunity so that they can respond informally to the issue raised. All attempts should be made to resolve the grievance informally between the parties concerned and if the parties are willing, mediation may be considered as a way to reach a mutually acceptable way forward (see below).

If the formal grievance continues, the outcome must be relayed to the colleague who is the subject of the grievance. Occasionally, it may be necessary to separate colleagues who are involved in a complaint pending resolution (for example through temporary redeployment or a change of workplace), or to suspend a colleague against whom a grievance has been raised. Neither of these actions are disciplinary sanctions but are neutral acts that do not in any way imply that a decision has been reached about the outcome of the grievance. In these circumstances, where appropriate, the Company will consult with the parties involved. However, a decision to suspend, or the decision of which colleague, if any, should be moved will be at the discretion of management and will depend on the needs of the business and take account of the nature of the complaint.

A decision to suspend will be given careful consideration and will be reviewed at regular intervals by the manager and a People Team representative to ensure it remains appropriate. During a period of suspension, the colleague will continue to be paid their average earnings. Certain terms and restrictions will normally apply to a period of suspension, and these will be confirmed in writing to the colleague.

If a grievance relates to an alteration in working arrangements affecting the aggrieved colleague, the 'status quo' applies, i.e. he/she will continue with current arrangements, until the grievance is resolved or this procedure has been exhausted, except when agreed otherwise for needs relating to the service. Once the procedure has been used, colleagues cannot raise a further grievance in relation to the same issue.

This Procedure only applies to directly employed colleagues and does not apply to other categories of

worker, such as agency workers, or self-employed contractors or sub-contractors.

4. Mediation

In some cases, it may be appropriate to consider mediation. Mediation is a voluntary and confidential process involving a mediator. It can be particularly effective in cases of breakdown in relationships and/or communication or personality clashes or to rebuild relationships following formal procedures. It is important that all parties agree to this approach to seek an informal resolution. Parties involved should be encouraged to talk to each other before this process is considered. Mediation can be considered at any stage of the Grievance Process which may be suspended pending the outcome of mediation. Further advice is available from the People Team.

5. The procedure

There are three stages available as part of the Grievance Procedure:

Stage One - Colleagues are encouraged to address any issues on an informal basis.

Stage Two - Colleagues are entitled to raise an issue formally where the informal procedure has been unsuccessful or is inappropriate.

Stage Three - Colleagues are entitled to appeal the outcome of a grievance raised under Stage Two.

Stage One - Resolving issues informally. Before invoking the formal stage of the Grievance Procedure, colleagues are encouraged, where possible, to make every effort to resolve their concerns informally. In the first instance, colleagues should raise any concerns directly with their line manager and attempt to resolve the issue informally through open discussion.

In most cases, line managers will be best placed to respond to the complaint and identify suitable options for resolution. On occasions where it is not appropriate to raise the grievance with the line manager it should be raised with another appropriate manager, which should normally be the next level manager (the manager's manager).

Colleagues are not entitled to be accompanied at informal meetings arranged as part of this stage of the procedure. The timescale for resolution at the informal stage is 10 calendar days from the colleague approaching the manager regarding their concerns. This should be the aim wherever possible, unless there are extenuating circumstances resulting in a mutually agreed extension. If further time is required, this will be confirmed in writing.

Stage Two - Submitting a formal grievance. If the matter cannot be resolved at stage one, or the concern is of a serious nature, colleagues should raise their issue formally by setting out their grievance in writing, using the template and instructions provided at Appendix A.

Formal grievances should be submitted to the line manager, even where informal attempts at resolution have been attempted, and have been unsuccessful, with the line manager. If the grievance relates to the colleague's line manager or is considered too sensitive to raise with the line manager, written grievances can be submitted directly to another more appropriate manager (usually the line manager's manager).

Formal grievance meeting

Formal grievances will be acknowledged in writing within 3 calendar days of receipt. The colleague raising the grievance will be invited to attend a grievance meeting and will normally be given at least 5 calendar days' notice of a grievance meeting and usually not less than 48 hours' advance written notice, unless an earlier meeting has been agreed by both parties.

The grievance meeting will be held within 14 calendar days of receipt of the grievance wherever possible, unless there are extenuating circumstances resulting in a mutually agreed extension. These timeframes are for guidance and may be subject to change.

Where adherence to them is not possible, colleagues will be kept informed of progress in writing and given an indication of when a meeting is likely to take place.

Right to be accompanied

Colleagues considering raising a grievance are encouraged to seek advice and support at any stage, including informal stages if needed, however the formal right to be accompanied applies at the formal stages only.

Colleagues raising a grievance are entitled to be accompanied at formal grievance meetings by an accredited full-time trade union official, a representative of a recognised trade union (who is an employee of the Company) or a work colleague employed by the Company. Any request to be accompanied must be reasonable and the choice of companion should not contribute to any unreasonable delays in proceedings. If a colleague's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the colleague may be asked to choose an alternative companion.

It is the colleague's responsibility to notify the manager hearing the Grievance (the Grievance Manager) in advance of formal meetings, the name and role/capacity of the person they have arranged to accompany them. It is the colleague's responsibility to make arrangements with their companion and to supply them with appropriate documentation. The Company will not correspond directly with the companion, unless by specific agreement. If the colleague or their companion is unable to attend the meeting, they should inform the Grievance Manager as soon as possible. If the inability to attend is due to circumstances outside of the colleague's control, one further meeting will normally be arranged.

If the colleague fails to attend or makes a request to postpone more than once, the Company will take the decision to proceed with the meeting in the colleague's absence. If it appears that the colleague is unable or unwilling to attend without good cause, the manager may decide to dismiss the grievance, or the meeting may proceed, and a decision may be taken in their absence.

Consideration will be given to any request for submission of written representations to be considered in the colleague's absence, or in exceptional circumstances, for the companion to attend on the colleague's behalf. The companion may address the meeting and confer with the colleague to put forward and sum up their case, and to ask questions on the colleague's behalf. However, they may not answer questions for the colleague. The right to be accompanied will normally be extended to any person against whom a grievance is raised, however, it will not normally be afforded to witnesses or others involved in investigations or associated meetings.

Grievance investigation

If required, an investigation may take place in relation to a grievance raised. Where any investigatory meetings are held to establish the facts of a case, it will be made clear that this is not a formal meeting and those involved will not be entitled to be accompanied. In some cases, an initial grievance meeting may be held before deciding what investigation (if any) is required to be undertaken. In these instances, a further grievance meeting will be held with the colleague who has raised the grievance, following the investigation and prior to reaching a decision.

Grievance outcome

The colleague will be informed of the findings and conclusions of their grievance, normally within 5 calendar days of the meeting. Where this is not possible, they will be advised in writing of the need for any delay and given an indication of when the decision is likely to be issued.

Findings and a summary conclusion will be provided in writing to the person raising the grievance, together with information regarding the right to appeal against the outcome. The Grievance Manager will have the discretion to determine the extent to which the outcome is also communicated to others involved in the grievance, within the reasonable realms of confidentiality. For reasons of confidentiality, colleagues raising

a grievance will not normally be informed if any disciplinary action is taken against another colleague because of it.

Stage Three

Making a formal appeal. If a colleague remains dissatisfied with the outcome of their grievance at stage 2, they may submit an appeal, using the template and instructions provided at Appendix B, within 14 calendar days of the date of the outcome letter.

If a colleague wishes to appeal, their appeal letter should include the following points where relevant:

- Why they feel the original decision was not a logical and reasonable response to the facts presented.
- Why they find the outcome or action unfair.
- How the Grievance Procedure was not followed, and how this affected the outcome.

Appeals will be heard by an appropriate senior manager who has not been involved in the original process and may also be supported by a member of the People Team.

Appeal outcome

Following an Appeal Hearing, the Appeal Manager may:

- Confirm the original decision.
- Revoke the original decision.
- Substitute a different outcome.

The decision of the Appeal Manager is final and will generally be communicated to the colleague in writing within 5 calendar days of the appeal meeting, although this may not always be possible. If further time is required to notify the colleague of the outcome, the Appeal Manager will keep the colleague informed in writing as to progress and when a decision is likely to be issued.

6. Raising a grievance during disciplinary action

If a colleague raises a grievance during the course of a disciplinary procedure which relates to the disciplinary issue, the Grievance Manager may decide to: - continue with the disciplinary process and consider the points raised in the grievance as part of that process or as part of any appeal; or in exceptional circumstances only, temporarily suspend the disciplinary process for a period until the grievance has been considered; or where the grievance is unrelated to the disciplinary issue, it will be considered separately from the disciplinary and will not impact on the disciplinary process.

7. Former colleagues

Any former colleague who wishes to raise a grievance relating to their period of employment with the company should do so in writing (this must include the nature of the grievance and basis for it) and must be as soon as possible after leaving the company, and not later than 3 months of the incident occurring. The Grievance will be dealt with at Stage 2 of the procedure. The former colleague will not normally be invited to attend a meeting and the company will normally respond in writing with the outcome.

8. Colleagues with particular requirements

If any colleague involved in a grievance process has particular requirements due to a personal protected characteristic, such as related to disability or language, the company will endeavour to make reasonable adjustments to enable participation within this process without detriment or disadvantage.

9. Record keeping and confidentiality

In accordance with the ACAS Code of Practice on Grievances, the company will keep written and electronic records of grievances. Grievance outcomes will be recorded on the individual's personal file, and case files will be stored separately and securely. All records will be treated as confidential and kept no longer than necessary in accordance with GDPR Regulations and the Data Protection Act.

Only those colleagues connected to the matter (which may include, for example, managers, witnesses, representatives and those acting in an advisory capacity, e.g. the People Team, any relevant regulatory body, external advisers, etc.) will be advised of the details of grievance cases on a 'need to know' basis and judgements regarding either, full, partial or non-disclosure of meeting notes, witness statements and other information will be at the discretion of the Managers acting on behalf of the company. The colleague who has raised the grievance is also required to exercise confidentiality, unless it has been mutually agreed that the outcomes and learning points from the matter can be shared more widely.

10. Monitoring and learning from grievances

The use of this procedure will be monitored by the Head of People to ensure that it operates fairly, efficiently and maximises the chances of successful resolution. The company will also monitor the nature of grievances to facilitate learning in relation to trends and themes that may suggest that other procedures, practices or working conditions may require review. The company will treat any grievances that are found to have been raised maliciously or vexatiously, as a serious matter and potentially warranting use of the Disciplinary Procedure.

11. Review

This procedure will be monitored and periodically reviewed, in line with legislation and good practice, and any amendment to it will be published on the website through the Employee Self Service link.

Nelson Williams
Managing Director

(This policy will be reviewed in September 2023)



Appendix A

Proforma to raise a formal grievance

This form must be used when submitting a grievance in accordance with Stage Two of the Grievance Procedure.

You should ensure that you have considered attempts at informal resolution prior to invoking this stage. You should complete this form and submit it to your Line Manager (or other suitable manager in accordance with this procedure in exceptional circumstances) within 14 calendar days of attempt at informal resolution.

If you have already exhausted Stage Two and now wish to Appeal, please use the proforma in Appendix B. If you are unsure about any stages of the Grievance Procedure, please ask for advice from the People Team.

1. Please state the reason/nature of your grievance, giving as much detail as possible, including the details of dates and times of events, any witnesses, etc. (continue on a separate sheet if required).

2. Please set out the action, which has been taken so far to resolve the matter informally.

3. Please state the expected resolution or outcome you wish to achieve, explaining how this will resolve your specific grievance.

4. Personal Details (BLOCK CAPITALS)

Name:	Job Title:
Work Location:	Tel No:
Managers Name:	Email:

Once completed, you should submit this form to your Line Manager

Signed:

Date:

Appendix B

Proforma to raise a grievance appeal

This form must be used when submitting a Stage Three appeal in accordance with the Grievance Procedure. You must ensure that you have exhausted Stage Two of the procedure.

You should complete this form and submit it to the Manager named in your written notification of the Stage Two outcome, within 7 calendar days of receipt.

Name:

Contact number:

1. Please state your reason for appealing against the decision reached at Stage Two in relation to your grievance. Provide an explanation as to why you feel the decision was not logical, reasonable, or fair.

2. Provide an outline of the resolution you are seeking.

Signed:

Date:

