

# Grievance Policy

People Services



GENERAL - EXTERNAL

Policy Version:	1.1	Review Date:	December 2024
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A charitable Registered Society under the Co-operative and Community Benefit Societies Act 2014

## 1. Purpose

Riverside is committed to supporting colleagues where they have concerns relating to working environment or conditions, contractual issues, opportunities for career development or working relationships.

It is expected that most problems concerning a colleague and their employment will be dealt with in the course of the normal working relationship. Should this fail, this policy exists to help resolve and deal with grievances, quickly, consistently and fairly.

The Grievance Policy details the informal and formal processes which colleagues can request should they have a concern to raise.

The aim of the Grievance Policy is to resolve grievances and not to escalate conflict. Colleagues should be assured that the purpose of the grievance policy is to address and resolve grievances at an early stage wherever possible whether that be via informal resolution, mediation or the formal grievance procedure.

It also provides managers with the steps to bring grievances to a satisfactory conclusion for all. Where this has not been achieved, the policy details the appeals process.

We assure colleagues that the Grievance Policy will be applied with fairness, consistency and transparency. We ask that all investigators assure this and consider grievances with an open mind and without any preconceptions as to guilt or blame on any side.

We understand that by their very nature grievances can be stressful for all parties concerned. Support is available for those raising grievances, those who grievances are raised against, witnesses and indeed for Grievance Investigators and Appeal Managers. Further information and support available is set out in More Information and Support.

## 2. Scope

This policy reflects the ACAS Code of Practice and applies to all current colleagues in The Group; including TRG, Riverside Direct and Riverside Scotland.

This policy does not form part of the contract of employment.

This Grievance Policy should not be used to complain about dismissal or disciplinary action. If a colleague is dissatisfied with any disciplinary outcome, they should submit an appeal under the Disciplinary Policy. Where a colleague raises a grievance during a disciplinary policy, the disciplinary process may be temporarily suspended in order to deal with the grievance, (in cases such as the outcome of a grievance potentially impacting the disciplinary process). However, in some cases, it may be appropriate to deal with both issues concurrently. The disciplinary process will be managed in line with the Disciplinary Policy by a manager independent of the circumstances where possible.

Riverside operates a separate Dignity at Work Policy that may be useful if a colleague has been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

Riverside operates a separate Whistleblowing Policy to enable colleagues to report illegal activities, wrongdoing or malpractice. However, for acts relating to you or others, or where you



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are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Policy

### **Collective Grievances**

This policy also applies to grievances raised jointly by two or more colleagues (collective grievances). In the first instance colleagues should wherever possible discuss this informally with their line manager.

The formal process for collective grievances will broadly follow the procedure below however, they will be heard by at least a Head of Department level and subsequent appeals by at least Director level. In submitting a formal grievance all parties should sign to confirm their agreement to the grievance being raised.

Colleague representatives can attend any investigation meetings on behalf of the collective. Where appropriate, depending on the nature of the grievance, the Grievance Investigator may interview all colleagues who have raised the complaint.

Outcomes of the collective grievance will be communicated to all colleagues who have raised the complaint.

### **3. Principles**

Where a colleague wishes to raise a grievance it is expected this will be within three months of any concern arising. It is important to raise a grievance as soon as the matter becomes a concern. This will enable managers and colleagues to explore resolutions before the matter becomes exacerbated and before memories of the events in question fade.

If a colleague has difficulty at any stage of the Grievance Policy because of a disability or because English is not their first language, they should discuss the situation with People Services, their Union or our Staff Groups.

### **Informal Action**

Often concerns in the workplace can be resolved informally. Where they feel able to, colleagues are encouraged to resolve issues informally and bring them to the attention of their line manager as soon as possible.

Where the matter relates to contractual issues, colleagues should speak to People Services or ask their line manager to do so on their behalf.

If the concern relates to the colleague's working relationships or environment, the line manager may agree that the matter can be dealt with informally (with the colleague's agreement) however in certain cases (for example where allegations are made of serious harassment or assault) it may be necessary to proceed with a formal investigation.

Colleagues should be able to raise concerns informally in their regular 1-1 meetings or if they feel the matter is urgent, then they should request a meeting with their line manager as soon as possible and inform their manager of the nature of their concern.

Managers should take all complaints seriously and deal with them sensitively and in a confidential and timely manner. Support and guidance is available from People Services.



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Where colleagues do not feel it is appropriate to raise the complaint with their line manager, they may wish to speak to another manager or People Services for further advice.

## **Mediation**

This is a voluntary, confidential process between two or more colleagues that involves a trained mediator assisting those in dispute to find a solution to their issues. This may be appropriate if there has been a misunderstanding, where actions were unintentional or as an outcome following formal disciplinary or grievance procedures. These sessions are not minuted, unless agreed by both parties, however agreed outcomes or action plans may be recorded, once agreed.

Where a colleague chooses to raise a grievance informally and this has not been resolved, in appropriate cases they will be offered the option of mediation before moving to the formal procedure. The option of mediation can be considered at all stages, and is encouraged to promote continued good relationships between colleagues, but will only be entered into if both parties agree.

## **Formal Action**

### **1. Raising a Grievance**

Where a colleague feels the informal process and/or mediation has not resolved the issue, or they feel a formal grievance is more appropriate, they can raise a formal grievance. This should be put in writing to their line manager, or if the grievance relates to the line manager, the grievance should be addressed to another line manager or People Services.

Within the grievance, the colleague should outline:

- Reason for their grievance i.e. working relationships, contractual issue, working environment or conditions, development
- Name the parties concerned
- Details of the grievance, including any relevant dates, times and evidence
- The desired outcome i.e. better working relationship(s) or a specific change in their working environment.

A Grievance Investigator will be appointed usually within 5 days of the grievance being submitted. Usually this will be the colleague's line manager, however where the grievance relates to that line manager, where that line manager may be considered as a witness, or where it is not suitable for another reason, People Services will appoint an alternative Grievance Investigator.

The Grievance Investigator will be supported throughout the grievance process by a designated People Services Advisor. The People Services Advisor will be on hand to provide guidance to the Grievance Investigator and to ensure that a fair and consistent process is followed for the colleague raising the grievance.

### **2. Grievance Meeting**

On receipt of any grievance where informal action has been exhausted, the Grievance Investigator will arrange to meet with the colleague who has raised the grievance, usually within 5 working days of being appointed.



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The colleague should make every effort to attend the grievance meeting, they should let their Grievance Investigator know, who will look to arrange an alternative date.

During this meeting, the colleague will be given the opportunity to explain their grievance and propose how they believe it should be resolved.

### 3. Investigation

If further information or investigation is necessary, the Grievance Investigator should adjourn and re-convene the meeting pending further investigation. The colleague has the opportunity to provide statements or other evidence supporting their grievance, or may point the Grievance Investigator to individuals who should be interviewed or relevant documents to be considered; where they have a meaningful contribution to the investigation.

If the grievance relates to another colleague, they will be given details of the complaint (such as nature of the complaint, dates, times etc, where available) in order that they can prepare a response. Where it is necessary to interview any other colleagues or third parties, (subject to any issues of confidentiality) they will be informed in advance of the nature of the investigation and their role within it, as well as their right to have a Union Rep or colleague in attendance.

When obtaining witness statements it should be remembered that subject to any overlapping considerations, these may be shared with the colleague raising the grievance as part of their outcome. Any witness has the option of not giving a statement, however they will be supported throughout the process.

The Grievance Investigator will then gather and consider the facts, along with any supporting information presented by the aggrieved colleague. The colleague raising the grievance should co-operate fully and promptly with any investigation.

### 4. Outcome

When the Grievance Investigator feels that they are in possession of all the key information, including copies of statements and other relevant information (subject to any issues of confidentiality and data protection rights) they will provide the colleague with a copy of these documents along with the grievance outcome. This outcome may be delivered via a re-convened grievance meeting, however where appropriate it may be suitable to hold this over the phone or video conference. This will be followed by a grievance outcome letter including the right to appeal.

Whilst there will be some complex situations and circumstances which may delay the process, it is expected that these will usually be concluded within 10 working days from the date of the first meeting between the colleague raising the grievance and the Grievance Investigator.

If, at any time, the colleague wishes to withdraw their lodged grievance, they must make their intentions known, in writing, to the Grievance Investigator or the designated People Services Advisor dealing with the grievance. Riverside reserves the right to investigate the original complaint if it is considered to be prudent to do so.

### 5. Appeals

If the colleague feels their grievance has not been resolved at this first formal stage, they can submit an appeal to People Services via the People Hub Helpdesk.



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The appeal should be submitted within 10 working days of the receipt of their outcome letter, clearly citing the grounds for appeal from one or more of the following reasons:

- new evidence has come to light;
- information at the initial meeting has been misunderstood or misinterpreted;
- the Grievance Policy wasn't followed correctly;
- the colleague feels the outcome did not reflect the evidence.

On receipt of an appeal the Appeal Manager will be appointed. The Appeal Manager will not have had any previous involvement in the subject matter of the grievance. Where the first stage grievance was dealt with by a manager at Executive Director level, or in other exceptional circumstances, it may be necessary to appoint an independent third party from outside Riverside to deal with an appeal.

The appeal manager will arrange to meet with the colleague, usually within 5 working days of being appointed and inform them of their right to be accompanied by a Union rep or colleague. The same principles will apply to the appeal meeting as applied to the grievance meeting(s) and it may be necessary for the Appeal Manager to go away and further investigate any new evidence and/or review the original evidence.

The colleague should be advised of the outcome. This process should be concluded and be confirmed in writing usually within 10 working days unless the matter is complex and/or further investigation is required, detailing that this concludes the grievance policy and there is no further right to appeal.

### **Outcomes of Grievance Meetings and Appeals**

The outcome of the grievance or appeal will usually fall into one of the following categories:

- The grievance outcome is not upheld;
- The grievance outcome is upheld in its entirety and recommendations or actions are proposed;
- The grievance outcome is partly upheld and some recommendations or actions are proposed;
- (Appeal Only) The grievance outcome is overturned and recommendations or actions are proposed.

**In all cases, a detailed explanation, of the outcome decision, relating to the evidence gathered will be provided to the colleague.**

Where recommendations are made, it is important that these are implemented. Where recommendations are made following a grievance, a date will be set for review by People Services to ensure that recommendations are followed up and implemented.

### **Re-arrangements of Dates**

In the event that the colleague raising a grievance is unable to attend the formal grievance and/or appeal meeting on the scheduled date, the investigating manager and People Services will seek to arrange a further suitable date. In cases where the delay is caused through ill health, the investigating manager may wish to discuss options for reasonable adjustments or consider if Occupational Health guidance is required.



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In the event that a subject of a grievance, witness, or their companion / representative is unable to attend the formal meeting or appeal on the scheduled date, a further date will be set, this should be within 5 working days of the original date and be done in consultation with the colleague and their representative, where possible. It is important that this date is rearranged within a reasonable time.

If the colleague's chosen representative is unavailable for more than 5 working days, Riverside may ask the colleague to choose someone else or the colleague can choose to proceed without a companion.

### **Representation**

Where a formal process is undertaken, the colleague who has raised the grievance (and where applicable the colleague whom the grievance is against and any witnesses) can be accompanied by a colleague or union representative at any formal stage of the policy (including all investigation, grievance and appeal meetings).

The companion can:

- Present the colleague's case;
- Sum up the colleague's case;
- Talk things over with the colleague during the hearing;
- Take notes on the colleagues behalf.

The companion cannot answer questions on the colleague's behalf.

Acting as a companion is voluntary and no colleague is under any obligation to do so. If they do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion and reasonable time to prepare.

### **Remote Meetings and Mediation**

Where online meetings may be used as part of the grievance investigation, hearing, appeal and mediation meetings managers must ensure that the procedure is still fair and reasonable. It is important to consider:

- Are all parties concerned in agreement to hold the meeting online – managers conducting the meeting should obtain confirmation / request of this before the meeting is undertaken.
- If everyone involved has access to the technology needed for video meetings, for example the necessary equipment and a good, stable internet connection. Colleagues should inform their manager as soon as possible if they do not have the right equipment to attend.
- If anyone involved has any disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed
- If it's possible to get hold of all the evidence needed for the investigation or hearing, for example records or files that are kept in the office
- If any witness statements or other evidence can be seen clearly by everyone involved during an interview or hearing and provided in advance where appropriate
- If it will be possible to fairly assess and question evidence given by people interviewed during a video meeting



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- If it's possible for the person who under disciplinary investigation to be fairly accompanied during the hearing
- Where it is agreed by all parties their representative may attend remotely

### **Record of meetings**

A record of any meetings will be made and meeting attendees asked to agree or make comments on the notes. These notes will be a summary of the meeting and will not be verbatim.

Audio or digital recordings of meetings under this policy are not permitted, unless agreed as part of a reasonable adjustment request.

Covert recordings of such may be subject to disciplinary action.

### **Witnesses**

Where a colleague has been asked to attend a grievance meeting as a witness to an incident they will be notified by the Grievance Investigator. Where a witness asks to remain anonymous the Grievance Investigator will consider this, however this may not always be possible (for example where it is obvious who the witness was as there was only one other person present). Colleagues who are witnesses must be aware that their statement may be shared should the matter move to a formal disciplinary process and they may be called to a formal meeting to recount their statement. Witnesses may ask a companion, colleague or trade union representative, to attend their meeting.

Except in exceptional circumstances, all witnesses will be made aware of the nature of any meeting to investigate a grievance in advance and their role as a witness will be explained to them.

### **Subject of a Grievance**

Where a colleague is the 'subject of' a grievance complaint they will be asked to attend an investigation meeting. They will be provided with the details of the allegation in their invite letter and may ask a companion, colleague or trade union representative, to attend their meeting.

Following the conclusion of the investigation the colleague who is subject of the grievance will receive an outcome letter which will indicate if there is no case to answer, if any form of additional training or support is required, or the matter will be referred to a formal disciplinary process.

### **Vexatious Grievances**

Whilst most grievances are raised on the basis of genuine concerns, occasionally colleagues may bring grievances that are vexatious, or make allegations which they know to be untrue. Whilst Riverside takes all grievances extremely seriously and will endeavour to resolve genuine grievances as they arise, we reserve the right to take disciplinary action against colleagues in those unusual cases where they raise grievances which are found to be malicious or vexatious.



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## Confidentiality

All parties, including colleagues bringing grievances, their representatives and witnesses should treat the subject of grievances and any evidence discussed as confidential. Subject always to the Whistleblowing Policy, it is important that grievances are dealt with through the appropriate channels within Riverside and not shared on social media, the press or elsewhere. All parties involved in the grievance process are reminded that breach of confidentiality is considered a disciplinary matter.

## 4. Further Information & Support

Colleagues are reminded that they can gain advice and support, including counselling, at any time through the [Colleague Assistance Programme](#) provided by AXA. Colleagues can call AXA 24/7/365 on **0800 072 7 072** or visit <https://axabesupported.co.uk/>

- [Grievance Policy- Managers Guidance](#)
- [Grievance Policy- Colleagues Guidance](#)
- [Grievance Investigation Toolkit](#)
- [Disciplinary Policy](#)
- [Dignity at Work](#)
- [Group Code of Conduct](#)
- [Whistleblowing Policy](#)
- [Reasonable Adjustments Procedure](#)

## 5. Roles and Responsibilities

### Colleagues

- are expected to conduct themselves in a manner which reflects the core values of the Group, and work towards resolution of any conflict that may arise within their workplace.

### Managers

- are responsible for listening to all complaints and responding to them in a professional and consistent manner.

### People Services

- will ensure that issues are dealt with fairly, consistently and in compliance with best practice and employment law.

### Trade Unions

- are available to advise union members throughout, and to accompany staff at meetings throughout the formal stages of the process

## 6. Risk Thresholds

Reported grievances are recorded through the People Management Information Dashboards. The report is categorised by each area of the business and includes protected characteristics. This is shared quarterly with Executive Directors and the Equality and Diversity best practice



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groups. This protects Riverside and colleagues by ensuring any trends are identified early and that formal procedures are instigated in a timely manner.

## 6. Equality, Diversity and Inclusion

Riverside is committed to Equality, Diversity & Inclusion. We strive to be fair in our dealings with all people, communities and organisations, taking into account the diverse nature of their culture and background and actively promoting inclusion. This policy aligns with Riverside's [Equality, Diversity and Inclusion Policy](#) and has been subject to an Equality Impact Assessment.



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## Document Control

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Policy Sponsor	Jo Lucy – Executive Director Business Support
Policy Owner	Maxine Cousens- Director of People & Culture
Policy Writer	Samantha Connolly- ER & Policy Consultant
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## Change Category

Category of Change	Tick Box
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Major Changes (Re-Write)	
Summary of Changes Made	
Nov 21- Minor changes to reflect Smart Working and Remote Meetings- Changes agreed with Unite and People Services Head of Reward and Policy.	

## Quality Assurance and Approval

Consultation and Approval	Tick Box	Date
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In Consultation with Staff Groups	✓	02.02.21
Executive Director	✓	03.02.21
Director of People and Culture	✓	16.11.21
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