

St Peter, Paul & Thomas of Canterbury, Bovey Tracey

DIGNITY AT WORK GRIEVANCE PROCEDURE

Who approves the policy?	Standing Committee
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Scope	This Policy applies to all the PCC of PPT Bovey employees plus those individuals identified in paragraph 2. The PCC of PPT Bovey reserves the right to amend this policy at its discretion at any time. It does not form part of any employees' contract of employment with the PCC of PPT Bovey
Extensions	Individuals identified in Paragraph 2.
Exclusions	Agency workers and self-employed contractors.

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Grievance Procedure

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1. Procedure Statement

This procedure applies to all employees regardless of length of service. It is our policy to assist employees with grievances relating to their employment and to resolve any grievances as quickly as possible. All grievances will be dealt with fairly and steps will be taken to establish the facts of any complaint.

We may depart from this procedure depending on the circumstances of the case.

If you are in any doubt as to your responsibilities or the standards of conduct expected you must speak to your manager.

In the event that this procedure and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are, they are to discuss matters with their manager. If this policy changes as a result of amendments in the law, the changes will be notified to the employee via their manager.

All matters relating to an employee's grievance whether informal or formal, will be treated as confidential.

You and anyone accompanying you (including witnesses) to any meetings or hearings conducted in accordance with this policy must not make electronic recordings of any such meetings or hearings.

This policy does not form part of your contract of employment and it may be amended at any time.

2. Who is Covered by the Procedure?

This policy is intended to apply to all current employees of the PCC of PPT Bovey including full-time, part-time and fixed-term employees regardless of the length of service.

Company contractors and external temporary staff will be handled by the Managed Service Provider.

It is intended that volunteers when they are considered to be undertaking activities and duties authorised by the PCC of PPT Bovey or in a capacity viewed as officially representing the PCC of PPT Bovey also adhere to this policy. In such cases, the individuals will be made aware of this policy by their official supervisor.

3. What is a Grievance?

A grievance encompasses many scenarios and could involve a complaint made by an employee about an action which their employer has taken or is contemplating taking in relation to such an employee. It could also apply when an employee complains about a work colleague. Typically the complaint is in written form. If an employee raises a verbal complaint, generally they will be encouraged to express this in writing.

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4. When is the Grievance Procedure Not Appropriate?

- When an employee raises a complaint that may relate to malpractice in the conduct of the organisation's business. In such cases, it may be more appropriate that the matter is handled in accordance with the organisation's "Whistleblowing" Procedure (as outlined in the Employee Handbook).
- When the employee has reasonable grounds for believing that following the procedure would result in a significant threat, such as violent, abusive or intimidating behaviour; or that they will be harassed.
- When the employee fears violence or damage to property.

There will always be a certain amount of stress and anxiety relating to a grievance process and an exemption will only apply where the employee reasonably believes that they would come to some serious physical or mental harm; their property or a third party is threatened or they have been harassed and this may continue.

In any circumstances where it is felt that the grievance procedure may not be appropriate, advice is to be sought from the Archdeacon who may refer the matter to the Diocesan Director of People and Safeguarding.

5. Grievance or Grumble?

One common difficulty for managers is an employee who has a long standing grumble that is never satisfactorily resolved. It will be explained to the employee, firmly and clearly, yet sympathetically, that if they are dissatisfied with the initial, informal response from their manager, then a formal grievance is the appropriate means of seeking redress. As a result, the employee is requested to commit to a formal complaint and to avail themselves of the procedure available. The important aim is to achieve some finality or 'closure' to the complaint(s).

There may be circumstances when an employee raises an issue of concern but does not wish for the PCC of PPT Bovey to formally take the matter further. However, in some such circumstances, the issue of concern may be too serious to be dealt with informally e.g. those circumstances which indicate Harassment. In these instances, it is usually appropriate for the organisation to conduct a Harassment investigation (as outlined in Anti-Harassment and Bullying Policy).

6. Overlap between Disciplinary and Grievance Procedures

The Grievance Procedure will not be appropriate where issues have already or are being addressed through a separate procedure (e.g. under the Anti-Harassment and Bullying Policy). Ordinarily, grievances relating to disciplinary matters are not covered by this procedure. If an employee is dissatisfied with any disciplinary action, they can appeal under the Disciplinary Procedure.

The Grievance Procedure may apply if the subject matter of the complaint is that the disciplinary action constitutes discrimination or in circumstances where the employee does not believe that the PCC of PPT Bovey's stated reasons are the true reasons for the action (e.g. the action is really being taken for reasons other than conduct or capability). For example, the employee feels the disciplinary action is being taken because of a personality clash with a manager, rather than their ability to do the job.

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You must consult the Archdeacon if an employee raises a grievance during the disciplinary procedure. Generally, if the grievance is raised before an appeal meeting the PCC of PPT Bovey may consider addressing the grievance as part of the disciplinary procedure. If the grievance is raised after an appeal meeting, the PCC of PPT Bovey should address the grievance in accordance with the appropriate procedure separately.

7. Other Points to Consider

Other important points to consider in the application of this policy are:

Consistency: Subject to the circumstances of any given case, the process and the proposed course of action must be consistent with the treatment of other employees in similar situations.

Timing: Each step must be taken without unreasonable delay.

Confidentiality: Details of any case are only disclosed on a 'need to know' basis.

Fairness: No decision is to be prejudged and no action is to be taken until an investigation has been undertaken.

Clarity of Procedure: The procedure is to be made clear to all parties at the outset of the grievance process.

Documentation: File notes of meetings and other relevant documents e.g. Investigation Report and letters to the parties involved are kept on the relevant Employee Personnel file. Investigation meetings and Panel meetings (including outcome meetings) are normally recorded using recording equipment or written summary notes are prepared.

8. Using the Grievance Procedure – Basic Guide to Stages

The Grievance Procedure is designed to help employees resolve any employment related problems internally, without penalty or adverse effect on the employee concerned. At each stage of the PCC of PPT Bovey's Grievance Procedure, it is important to make clear to the employee at what "Stage" of the Grievance Procedure their grievance is considered to be. In certain cases, it may be appropriate to agree with the employee that the formal Grievance Procedure will be commenced at Stage 2 (see below), for example where the grievance has initially been dealt with on an informal basis over some time by discussions and communications between the manager and the employee.

If an employee is absent on the grounds of ill health during the Grievance Procedure, they are to be referred to the Archdeacon. In such circumstances, specific advice will be sought from our Occupational Health advisers as to whether the employee is fit to take part in an ongoing Grievance Procedure and what steps (if any) the PCC of PPT Bovey will take to safely manage the process in the context of the employee's medical condition (e.g. interviewing the employee by telephone rather than requiring them to attend meetings in person).

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Stage 1a: Informal Meeting

Most grievances can be resolved quickly and informally through discussion with your manager. If you cannot speak to your manager, for example, because the complaint relates to him or her, then you should speak informally to a church warden.

If the employee does not want to raise the matter formally, the person dealing with the employee's grievance is to listen to the employee's concerns and make appropriate suggestions to resolve the matter. It may be appropriate to refer to external resources, such as Occupational Health. All conversations and agreed courses of action are to be carefully minuted. It is hoped that informal meetings will resolve straightforward grievances. If however, the grievance cannot be resolved informally, the formal procedure is to be invoked.

Stage 1b: Written Grievance

If your grievance cannot be resolved informally you should put your grievance in writing and submit it to your manager indicating that it is a formal grievance. If your grievance concerns your manager you may submit it to the incumbent or Chair of the PCC (or another suitable person in the event of conflict).

The written grievance must set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it.

Stage 1c: Investigation

It may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

Stage 2: Meeting

We will arrange a grievance meeting, normally within two weeks of receiving your written grievance. You are to make every effort to attend.

The meeting will be chaired by a member of the PCC (excluding the incumbent). The investigating acting officer (if one has been appointed) will also be present.

You may bring a companion to the grievance meeting if you tell us the name of your chosen companion in good time before the meeting. The companion may be either a trade union representative or a colleague. The same information in the Disciplinary Procedure (point no 12) applies to companions brought to grievance meetings under this Grievance Procedure.

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If you are unable to attend at the time specified you must inform your manager as soon as possible in order to agree alternative arrangements.

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.

We may adjourn the meeting if we need to carry out further investigations, after which the meeting will usually be reconvened.

We will write to you, usually within one week of the last grievance meeting, to confirm our decision and notify of you of any further action that we intend to take to resolve the grievance. We will also advise you of your right of appeal.

Stage 3: Appeals

If the grievance has not been resolved to your satisfaction you may appeal in writing to the incumbent or (if the incumbent is not available or in the event of a potential conflict of interest arising) to the Church Warden, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within two weeks of receiving the appeal. This will be dealt with impartially by the incumbent or (if the incumbent is not available or in the event of a potential conflict of interest arising), to the Church Warden, You have a right to bring a companion.

We will confirm our final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

9. Rights of Employees Involved in the Grievance Procedure

Right to a Fair Hearing:

An employee will be given the opportunity to explain the grievance at a meeting before any decision is taken.

An employee who is the subject of a grievance also has the right to be informed of the complaint made against them, to submit relevant documents for consideration by the Panel. In exceptional circumstances the PCC of PPT Bovey may allow the employee to call relevant witnesses. The PCC of PPT Bovey has a duty to the alleged wrongdoer to investigate properly and to strike a balance between the rights of the parties.

Throughout the Grievance Procedure, the complaint, notice of hearing(s) and decision(s) must be communicated in writing to the parties.

Right to be Accompanied:

The employee must be told at each step of the formal Grievance Procedure that they may be accompanied by a work colleague or trade union official (a "Companion") at any meeting held in accordance with the Grievance Procedure. You must tell your manager who your chosen companion is, in good time before the hearing.

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A companion is allowed reasonable time off from duties without loss of pay to familiarise themselves with the case and confer with the employee before and after the hearing.

If your chosen companion is unable to attend the scheduled grievance meeting, the employee is entitled to request that the meeting be postponed. The employee is entitled to propose a reasonable alternative date and time for the meeting, no later than 5 working days after the date and time of the original scheduled meeting. If your companion will not be available for more than five working days we may require you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a disability, or where you have difficulty understanding English.

During the meeting, the companion may make representations, ask questions and sum up the position on the employee's behalf, e.g. state the employee's case. The companion must be allowed to confer privately with the employee during the meeting. However, the companion will not be allowed to answer questions on behalf of the employee. All companions are to receive a copy of the 'Guidance on the role of a companion' (see Appendix A).

External legal representation is not permitted at any meeting (regardless of the stage of the process) nor can requests to tape record the meeting(s) be granted unless approved by both parties before the meeting commences. The only exception to this may be where the PCC of PPT Bovey uses an independent company to record meetings and provides transcriptions of meetings to the relevant individuals.

There is no obligation on any worker/employee to attend a colleague's grievance or appeal meeting as a companion if they do not wish to do so.

If an employee indicates that they do not want a companion, this must be noted in the minutes of the meeting.

Right to Confidentiality:

A grievance must be treated confidentially and discreetly. Only people involved with the issues are to be advised of the grievance. Those involved in a grievance, including the complainant, will be asked to keep the matter confidential.

The investigator or disciplinary panel will make it clear to those involved with the grievance that there may be a requirement to present "evidence" or information from the investigation to others involved in the investigation. However, the information will be treated sensitively and preserving anonymity where possible.

10. Data Gathering

The grievance investigation is not necessarily constrained to interviewing witnesses alone. Data gathered as part of an investigation could include (but is not limited to):

- CCTV footage.
- Telephone recordings and records.
- Computer records including email.

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- Key fob records.
- Personal property.
- Complainant's reviews/ appraisals and sickness records.
- Emails and file notes.
- A history of previous complaints and/ or previous similar instances.

It is important when gathering this information that the principles of the Data Protection Act are adhered to. In particular, searches for personal information will be restricted to a particular subject(s) or time period.

Focus on information relevant to the case at hand.

11. Record Keeping

What records should be kept?

THE PCC of PPT Bovey will keep a written record of any disciplinary or grievances cases we deal with. Records will include:

- The nature of the grievance.
- What was decided and actions taken.
- The reason for the actions.
- Whether an appeal was lodged.
- The outcome of the appeal.
- Any subsequent developments.

It is imperative that all data relating to any grievance is managed in line with the PCC of PPT Bovey's policies on data protection and confidential information. Records are to be treated as confidential and documentation must be processed fairly, must be kept secure - for example, no documentation relating to a grievance will be left on desks or put on shared folders, and must be kept no longer than necessary in accordance with the data protection principles set out in the Data Protection Act 2018. This Act also gives individuals the right to request and have access to certain personal data stored about them.

See our Data Protection Policy for further information.

Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.

All managers involved in the Grievance Procedure should assume that all data and communications generated as part of the process are discoverable, and all views expressed must therefore be non-discriminatory, justifiable and able to stand public scrutiny. This includes all documentation relating to the investigation and grievance process and not just the final outcome communicated to the employee.

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APPENDIX B: Guidance on the role of a Companion

This document is intended to provide guidance to individuals who have been asked to accompany a colleague to a meeting held under procedures set out in this policy.

If/Can you Attend?

You are entitled to refuse to accompany your colleague, for any reason, if you choose to do so.

If you cannot attend the meeting on the proposed date, you should liaise with the individual concerned or get in touch with the relevant contact in the XXXX as soon as possible so that an alternative date can be scheduled. This should be no more than five working days later than the originally scheduled date.

Prior to the Interview/ Hearing

- It may be helpful for you to read the Grievance Policy and any relevant sections of the Employee Handbook.
- Ensure your colleague understands the procedure to be followed. If they are in doubt, you or your colleague should talk to the relevant contact person in the People Team.
- Ensure you are familiar with the full facts of the case and understand your colleague's views and the issues to be addressed.
- Ensure that your colleague has notified the relevant contact person in the People Team that you will be accompanying them to the meeting.

During the Interview/ Hearing

During the meeting you may address the meeting in order to:

- State your colleague's case.
- Sum up your colleague's case.
- Respond on your colleague's behalf to any view expressed at the meeting (but this does not extend to answering questions on behalf of your colleague).
- You and your colleague can confer with each other at any time during a hearing.

If you wish to do so privately, ask the person chairing the meeting to have an adjournment.

- You may not answer questions on behalf of your colleague.
- You may take notes.

After the Interview/ Hearing

Please write up any notes so that the events remain clear in your mind. You may also wish to advise your colleague to go to the relevant contact in the XXXX if they are unclear about the process that will follow the interview.