



## GRIEVANCE POLICY

*Review date November 2026*

### **Data protection**

Any personal data collected and/ or processed under this policy/ procedure will be dealt with in accordance with Data Protection Legislation and The Black-E Data Protection Policy. Information about how data is used and the basis for processing data is provided in The Black-E employee privacy notice. Data is held securely and accessed by, and disclosed to, only individuals where relevant to this policy/ procedure. Inappropriate access or disclosure of employee data should be reported in accordance with The Black-Es Data Protection Policy immediately and may constitute a disciplinary offence.

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## 1. INTRODUCTION

- 1.1 The guide has been designed to provide advice on the key aspects of managing grievances, to support managers in carrying out their responsibilities and to ensure that the Grievance Procedure is followed and applied consistently across The Black-E.
- 1.2 A grievance is defined as a concern, problem or complaint that an employee, raises with the employer. **Freelancers, contractors and sessional freelance workers are covered under the complaint procedure.**
- 1.3 Further advice and support is available from The Trustee responsible for HR.

## 2. AIMS OF THE GRIEVANCE PROCEDURE

- Deal with grievances raised through the procedure in a fair, reasonable and consistent manner.
- Settle grievances as close to the point of origin as possible.
- Resolve grievances informally wherever possible.
- Ensure grievances are dealt with within the agreed timescales.

## 3. HEARING A GRIEVANCE

- 3.1 An employee at some time may have problems or concerns about their work, working conditions or relationships with colleagues that they wish to discuss with management. The employee may raise this as a grievance to be addressed and if possible, resolved. It is in the interests of all parties to resolve problems fairly, speedily and consistently to avoid these developing into major difficulties for all concerned.
- 3.2 Every attempt should be made to resolve grievances through discussions between the employee and their immediate manager, or with the next level of management when required.
- 3.3 Be mindful that a grievance meeting is not the same as a disciplinary hearing and is an occasion when discussion and dialogue may lead to an amicable solution.

## 4. CHIEF EXECUTIVE OFFICER (CEO) RESPONSIBILITIES

- 4.1 In the first instance, grievances will be raised with the CEO unless the grievance is directly related to them. This can be as a verbal discussion where the grievance is informal but must be in writing where it is at the formal stage. As the first point of contact it is the CEO's responsibility to:
- Take any complaints seriously.
  - Seek to resolve this as quickly as possible by meeting with the employee and looking for an appropriate

resolution, informally in the first instance if the employee is agreeable.

- Be prepared to adjourn the meeting and undertake further investigation if necessary.
- To support all employees involved in the process.
- Seek advice from a Trustee where there could be a potential disciplinary implication.
- To issue documentation in relation to the process to affected employees (this may include some disclosure to employees who have had a complaint made against them).
- To outline timescales for dealing with the grievance.
- To keep records in accordance with the Grievance Procedure and Guidance.

## **5. EMPLOYEE RESPONSIBILITIES**

5.1 Employees raising a grievance should raise this in the first instance with their line manager unless the grievance is directly about or related to them. In this case, the grievance should be raised with the next level of management. It is the employee's responsibility to:

- Raise their grievance with the appropriate manager verbally if looking for an informal resolution.
- To proceed to the formal stage of the procedure the grievance must be in writing.

- Be prepared to be involved in the process by giving information in relation to the grievance and what resolution is sought.
- Be open to resolving the grievance.
- Take part in any investigation and subsequent meetings.

## **6. DEALING WITH AN INFORMAL GRIEVANCE**

6.1 Many problems can be raised and settled during the course of everyday working relationships. This allows problems to be settled quickly. Employees should aim to settle most grievances in this way by raising the matter informally with their manager.

6.2 As soon as an informal grievance has been received, the manager should arrange to meet with the employee ideally within 5 working days or as soon as reasonably practicable.

6.3 The meeting should be convened in a place that is private and comfortable for the employee and conducted in an open and informal manner giving the employee every opportunity to state their grievance.

6.4 The manager should then ensure that they understand the employee's grievance and it is clear what resolution the employee is seeking.

6.5 In many cases the manager may be in a position to respond to the employee's concerns and resolve the grievance.

6.6 However, it is important that the manager gives the employee's grievance full consideration and where the manager is unable to

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|       | resolve the grievance, the meeting should be adjourned and further investigation as necessary undertaken into the issues.                                                                                                                                                                                                                                                              |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6.7   | The manager may also require at this stage to seek authority (CEO or Trustees) for actions that may resolve the employee's grievance including mediation.                                                                                                                                                                                                                              | 7.3.2 | The organisation and control of the grievance meeting is the responsibility of the manager hearing the grievance, however advice and support is available from a Trustee who may also attend the grievance meeting to provide advice and support and act as a witness to what is said.                                                                                                                                                                                                                                                                                             |
| 7.    | <b>CONDUCTING A FORMAL GRIEVANCE MEETING</b>                                                                                                                                                                                                                                                                                                                                           | 7.3.3 | The manager hearing the grievance should ensure that they: <ul style="list-style-type: none"> <li>• Clarify their authority and check with the CEO if appropriate i.e. if the matter should be dealt with at a higher level of authority.</li> <li>• Investigate as far as possible beforehand if practicable, e.g. background of employee, current working arrangements, etc.</li> <li>• Gather any other information required prior to the grievance meeting (e.g., whether similar grievances have been raised before, how they were resolved and any action taken).</li> </ul> |
| 7.1   | A grievance may be raised at the formal stage where the matter is of a serious nature or remains unresolved at the informal stage.                                                                                                                                                                                                                                                     | 7.3.4 | Where a grievance is against another employee or in circumstances where the person hearing the grievance and the employee agree that there is a realistic chance of reaching a resolution with the help of a third party, consideration should be given to offering independent mediation (see section 13).                                                                                                                                                                                                                                                                        |
| 7.2   | <b>Purpose of a Grievance Meeting</b>                                                                                                                                                                                                                                                                                                                                                  | 7.3.5 | Ensure the aggrieved employee is informed of their right to be accompanied by a trade union representative or work colleague prior to the formal grievance meeting.                                                                                                                                                                                                                                                                                                                                                                                                                |
| 7.2.1 | The purpose of the grievance meeting is to hear the issues giving rise to the grievance in sufficient detail to allow a resolution to be identified or a judgement to be made as to whether there are grounds for the grievance. The manager responsible for considering the grievance will need to meet with the aggrieved employee and consider further investigations as necessary. | 7.3.6 | Consider arranging for an interpreter where the employee has difficulty speaking English.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7.3   | <b>Preparing for a Grievance Meeting</b>                                                                                                                                                                                                                                                                                                                                               |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 7.3.1 | Once the manager has received a written grievance and confirmed with the employee that they wish to pursue the grievance formally, the manager should invite the employee to attend a grievance meeting, ideally within 5 working days of receipt of the written grievance.                                                                                                            |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

- 7.2.7 Consider whether any reasonable adjustments are necessary for a person who has a disability and/or their trade union representative or work colleague.
- 7.3.8 The manager should conduct a grievance meeting as set out at section 7.3.
- 7.3.9 Points to consider for the grievance meeting:
- Ensure privacy.
  - Welcome the employee pleasantly and courteously.
  - Listen carefully to the grievance, do not interrupt, defend or counter complain/criticise.
  - Check facts carefully e.g. names; dates; times places etc.
  - Recognise the possibility of some emotion but offer adjournment if the employee is upset or abusive.
  - Thank the employee for bringing the problem to your attention.
  - Set out your interpretation of the grievance point by point to ensure clear understanding and to gain agreement.
  - Explain any remedial or corrective action already taken (if any).
  - Ask the employee to suggest solutions and discuss and consider possibilities but do not commit too quickly.
  - Set out and agree on any further action that is planned to include timescales.
  - Be prepared that if there is a need for an investigation to be undertaken the meeting should be adjourned for this to take place as necessary.

- Suggest a follow up meeting if appropriate.
- End by setting out what will happen next including timescales and confirm in writing.

#### 7.4 **Format of a Stage 1 Formal Grievance Meeting**

- 7.4.1 The CEO/Trustee hearing the grievance will make the introductions and ensure that all persons understand the procedure.
- 7.4.2 The CEO/Trustee hearing the grievance will carefully consider the complaints made by the employee.
- 7.4.3 The employee or their representative will have an opportunity to state their case.
- 7.4.4 The CEO/Trustee hearing the grievance will summarise the main points of the response.
- 7.4.5 The employee or their representative will summarise the main points of their grievance.
- 7.4.6 After the grievance meeting, the CEO/Trustee may carry out further investigations and hold further grievance meetings as is considered appropriate. In these circumstances, such meetings will be arranged without unreasonable delay. Further information is available at section 9 of the Guidance.
- 7.4.7 The decision of the CEO/Trustee hearing the grievance will be confirmed in writing within 5 working days of the meeting or as soon as reasonably practical. In the event that further information

is required, the manager may agree with the parties to extend the deadline beyond 5 days, if necessary, so as to complete investigations.

## **7.5 Format of a Stage 2 Formal Grievance Appeal**

- 7.5.1 A grievance appeal will be heard by the Chair of the Trustees or another Trustee who must be independent and has had no part in the grievance as set out at section 5 of the Grievance Procedure.
- 7.5.2 Circumstances where it may be necessary to ask another Trustee to hear the appeal would be for example if the Trustee were unable to be impartial due to earlier involvement in the grievance.
- 7.5.3 Where the employee has exhausted stage 1 of the Grievance Procedure and is now presenting their grievance at stage 2, the Appeal, the employee or their representative should only refer to the reasons why they remain dissatisfied with the outcome of stage 1 of the Grievance Procedure. No new grievances may be raised at the appeal. The appeal is not intended to be a re-run of the original grievance raised at stage 1.
- 7.5.4 The format for the grievance appeal is outlined below:
- The Chair/Trustee will make the introductions, explain the sequence of presentations and questioning, and ensure that all persons understand the procedure.

### **Presentation of the Employees Grievance**

- (a) The employee or their representative will put forward their grievance and call each witness, if any, to present their evidence in turns. The employee or their representative will present supporting documents of their grievance as necessary. The employee or their representative may question each witness and the Chair/Trustee. Witnesses should not be in the room before presenting their evidence.
- (b) The Chair/Trustee may question each witness in turn and the employee or their representative on the information presented. Witnesses will be questioned separately immediately after presenting their evidence.
- (c) The employee or their representative may ask related supplementary questions to each witness and the Trustee.
- (d) Each witness withdraws after giving their evidence.
- (e) The employee or their representative may also question the CEO/Trustee who originally heard the grievance. Likewise, the CEO/Trustee who originally heard the grievance may question the employee or their representative.

### **Presentation of the Response**

- (a) At the appeal the response will be presented by the CEO/Trustee who originally heard the

grievance before it went to appeal and who will explain how he/she came to their decision. In the presentation of the response, it will be the employee who will question the CEO/Trustee who originally heard the grievance and any witnesses.

- (b) The above process is repeated for the presentation of the response.

### **Summing Up**

- (a) The manager who originally heard the grievance summarises the main points of the response.
- (b) The employee or their representative summarises the main points of their grievance.
- (c) At this point no new information may be introduced.
- (d) The employee, their representative and the CEO/Trustee who originally heard the grievance then withdraws.

### **The Decision**

- (a) The Chair of Trustee/Trustee and their advisors will consider the matter in private. If further clarification or information is required for a decision to be reached, the parties can be recalled, or the appeal meeting can be adjourned until the information is provided.

- (b) The decision of the Trustee/Chair of Trustee will be communicated in writing to the employee within 5 working days of the conclusion of the grievance meeting or as soon as reasonably practical and a copy sent to the employee's representative.

- (c) In the case of a grievance appeal, the decision of the Trustee/Chair of Trustee is final and The Black-E's Grievance Procedure ends here.

## **8.**

### **GRIEVANCE AGAINST ANOTHER EMPLOYEE**

#### **8.1**

There are occasions where an employee may be the cause of grievances among his or her co-employees – perhaps on grounds of attitude or capability for the job. The CEO must deal with these cases carefully and should generally start by talking privately to the individual about the concerns of fellow employees. This may resolve the grievance. Alternatively, if those involved are willing, an independent mediator may be able to help. Care needs to be taken that any discussion with someone being complained about does not turn into a meeting at which they would be entitled to be accompanied by a trade union representative or work colleague. If this does occur, the employee should be offered the right to be accompanied by a trade union representative or work colleague.

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| <b>9. INVESTIGATION – INFORMATION GATHERING</b>                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 9.1 Where a grievance requires further investigation, talking to the aggrieved and other employees implicated or involved normally by way of a meeting is a fundamental element of the grievance investigation.                                                                                                                                                                                              | 9.5.3 The aggrieved employee should be given the opportunity of being accompanied by a trade union representative or work colleague at any formal stages of the procedure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 9.2 Whilst the process of a grievance investigation is less formal than a disciplinary investigation the purpose is common, i.e. to gather sufficient information upon which to reach a sound judgment.                                                                                                                                                                                                      | 9.5.4 The investigatory meeting is often stressful for the aggrieved employee and /or other employees involved and can result in a number of reactions including distress, confusion and anger. The manager undertaking the investigation should prepare carefully for the investigatory meeting and should ensure it is structured and controlled effectively and handled sensitively. The person undertaking the investigation should try to put the employee at their ease and should, where possible refrain from interrupting the employee. The atmosphere should be kept calm and deliberate, and this may necessitate allowing for or imposing breaks during the meeting. |
| 9.3 The person hearing the grievance will normally undertake the investigation.                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 9.4 Conducting further research including accessing specialist advice or obtaining contextual advice or comparisons may also be necessary e.g. to ascertain what is normal in the workplace.                                                                                                                                                                                                                 | 9.5.5 The person undertaking the investigation should ensure that arrangements for the meeting are sufficient to allow for privacy and freedom from outside interruption. Sufficient time for the meeting should be allowed and if necessary, arrangements for the continuation of the meeting should be made without delay. The employee should not be disadvantaged by time constraints and should be given every opportunity to offer a full explanation of events.                                                                                                                                                                                                           |
| <b>9.5 The Investigatory Meeting</b>                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 9.5.1 The manager/CEO/Trustee undertaking the investigation should consider carefully if any investigation is required in addition to the grievance meeting in order to reach a sound and informed judgment.                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 9.5.2 At an investigatory meeting, the manager/CEO/Trustee undertaking the investigation should be accompanied by the HR Trustee where this is possible, does not cause unreasonable delay or compromise an appeal. The role of the person accompanying will be to assist in the production of an accurate record of the meeting and to provide corroboration if those matters discussed are later disputed. | 9.5.6 The employee should be advised of the purpose of the meeting at the outset, and this should include: <ul style="list-style-type: none"> <li>• Making introductions and explaining roles</li> <li>• Explaining the purpose of the meeting i.e. to inquire into the grievance and to give the employee the opportunity to respond</li> </ul>                                                                                                                                                                                                                                                                                                                                 |

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                  |
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|       | <ul style="list-style-type: none"> <li>• Reading the complaint and explaining the facts and information that has been gathered at that point</li> <li>• Reserving the right to reconvene or conduct further investigation if necessary</li> <li>• Explaining the possible outcomes at the end of the investigation and when this decision will be made</li> <li>• A statement from the person undertaking the investigation that they have yet to make a decision and that they will take into account in making that decision anything that the employee has to say</li> </ul>                                                                                                           |                                                                                                                                                                                                                                                                  |
| 9.5.7 | The person undertaking the investigation should listen carefully to the employee, showing alertness and sensitivity and should further question the employee if necessary, in order to ensure full understanding of what the employee is saying. If the employee's explanation is vague, evasive, incomplete or inconsistent with the known facts, the person undertaking the investigation should probe the employee with additional questions, in order to establish if further clarification is possible. It is good practice for the person undertaking the investigation to summarise the employee's statements intermittently in order to ensure that there is no misunderstanding. |                                                                                                                                                                                                                                                                  |
| 9.5.8 | The person undertaking the investigation should, during the course of the meeting, identify any means of corroborating the information given by the employee and should pursue these as necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                  |
| 9.5.9 | When the person undertaking the investigation is satisfied that, nothing more will emerge from the meeting it should be brought to an end. It may be sensible in complex cases for the manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                  |
|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | undertaking the investigation to adjourn briefly before ending the meeting to review the information, which has been given, and consider if any further inquiries should be made of the employee at that time. This may avoid the need to reconvene later.       |
|       | 9.5.10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | If at any stage it emerges that the matters are that of misconduct, any further investigations that are necessary should be undertaken and the continuation of the process should be managed in accordance with the Disciplinary Procedure.                      |
|       | <b>10.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>WITNESSES, THE PREPARATION OF WITNESS STATEMENTS AND ANONYMOUS WITNESS STATEMENTS – NORMALLY ONLY USED AT APPEAL STAGE</b>                                                                                                                                    |
|       | 10.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Witnesses</b>                                                                                                                                                                                                                                                 |
|       | 10.1.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | When conducting a grievance investigation, it may be that the manager will need to interview witnesses and ask them to provide witness statements at any grievance appeal.                                                                                       |
|       | 10.1.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The employee should be allowed to approach other employees to request information or provide witness evidence to a grievance appeal. The Black-E will make necessary arrangements to release such employees to allow for their appearance at a grievance appeal. |
|       | 10.1.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Careful consideration must be given as to which witnesses should be called to the grievance appeal. Essentially witnesses should only be called if they are necessary in establishing the case.                                                                  |

## 10.2 **Witness Statements - General Guidance**

- 10.2.1 The careful preparation of witness statements is crucial to the case. The witness statement must be confined to matters of material fact and must focus on the actual evidence the witness can give from first-hand knowledge. The witness statement should not include any unnecessary observations or expressions of opinion and should remain directly relevant to the points that either party is seeking to establish.
- 10.2.2 In some cases it may not be necessary to interview every witness, and a written and dated statement will suffice.
- 10.2.3 The person who hears the original grievance normally undertakes the investigation and should ensure that all evidence presented is clear in terms of its relevance and the points being made. The witness statement should focus on the relevant events and the witness's ability to witness them.
- 10.2.4 If necessary, witnesses can be asked to write a personal statement prior to the investigatory meeting with them and where appropriate they can be asked to respond to certain questions.
- 10.2.5 Where a witness provides a written statement the person undertaking the investigation needs to be happy that they have all the information that they require and that there are no unanswered questions. If the person undertaking the investigation is not satisfied, the witnesses can be interviewed again.
- 10.2.6 Use open question to gain information, clarify the issues e.g., 'what happened then?' and to check that it is understood what has been said.

- 10.2.7 Don't lead the witness but do encourage them to concentrate on the main facts.
- 10.2.8 Advise witnesses that their statements and responses to questions may be made available to the employee and to the person hearing the appeal. Witnesses also need to be made aware that they may be called to give evidence at a grievance appeal and if so that their evidence could also be tested and challenged through questioning.
- 10.2.9 Where a witness is to be called to give evidence at a grievance appeal, witnesses for the management case will receive information advising them of the requirement to attend a grievance appeal and what will be expected of them. (Template letter 7 should be used for this purpose).
- 10.2.10 Submission of notes of interview as an alternative to preparation of a witness statement is not allowed as this may mean the Chair of Trustee/Trustee spends unnecessary time deciphering the main points and identifying what is, and what is not, relevant.
- 10.3 **Anonymous Witness Statements**
- 10.3.1 Circumstances, which give rise to the submission of anonymous witness statements, should be very rare and are, in the main, where the witness has a genuine belief that they will suffer reprisals should their identity be disclosed. If such circumstances arise, statements may be submitted which protect the identity of the witness and the manager/CEO/Chair of Trustee/Trustee will weight such evidence accordingly.

- 10.3.2 In most cases the weight of such evidence will be reduced by the lack of opportunity to test it. This can be addressed to some extent by allowing for the manager undertaking the investigation to be questioned about that evidence as gathered by them.
- 10.3.3 In all such cases the person undertaking the investigation must satisfy themselves as to the validity of evidence given in these circumstances and to the genuine fear of the witness. The manager undertaking the investigation should keep notes of the interview with the witness in readiness for questioning at the grievance appeal.
- 10.3.4 If the person undertaking the investigation believes that there is genuine fear of reprisal and agrees to protect the witness's identity, great care must be taken to assure this. The statements should have all reference that may lead the reader to the author removed, including, if necessary made gender neutral. The witness should see and agree the final statement before it is submitted.
- 10.3.5 It is strongly recommended that the advice of a HR Trustee be sought in such cases.

## **11. RECORDS**

- 11.1 Records should be kept by the person hearing a formal grievance or the Chair of Trustees in the case of an appeal detailing the nature of the grievance raised the response, any action taken and the reasons for it. Where the matter is a formal grievance a record should also be placed on the employee's personal file.

- 11.2 Records should be kept confidential and retained in accordance with the Data Protection Act 1998, which requires the release of certain data to individuals on their request.
- 11.3 Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld for example to protect a witness.
- 11.4 Further information in relation to records is contained within Section 6 of the Grievance Procedure.

## **12. RIGHT TO BE ACCOMPANIED**

- 12.1 Employees who have raised a formal grievance have a statutory right to be accompanied at all formal meetings.
- 12.2 The employee should be asked if they intend to exercise their right to be accompanied by a trade union representative or work colleague and if so, to provide the name and contact details of that person.
- 12.3 The request to be accompanied need not be in writing but it must be reasonable. It would not be appropriate for an employee to insist on being accompanied by a trade union representative or work colleague whose presence would prejudice the grievance meeting or where there might be a conflict of interest.
- 12.4 It should be noted that if the employee chooses to be accompanied by a work colleague, this colleague cannot also be called as a witness.

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| 12.5 | There is no duty on a trade union representative or work colleague to accept a request to accompany the employee but, where they do, it is the responsibility of the employee and the trade union representative or work colleague to ensure the availability of representation on the given date. Reasonable efforts should be made to accommodate the employee's choice of representative in terms of availability but this must be balanced against the principle of conducting the investigation without undue delay. In arranging dates, regard should be taken of leave and any other short periods of absence. |            |                                                                                                                                                                                                                                                                                                                                                                 |
| 12.6 | When an employee has requested to be accompanied but their representative is unable to make the date set, the employee may suggest an alternative time and date so long as it is reasonable and it is not more than 5 working days after the original date.                                                                                                                                                                                                                                                                                                                                                           |            |                                                                                                                                                                                                                                                                                                                                                                 |
| 12.7 | It may be necessary to proceed in the absence of accompaniment if the employee is unable to make arrangements to proceed with their chosen person within a reasonable timeframe. However before this action is taken advice should be sought from the HR Trustee.                                                                                                                                                                                                                                                                                                                                                     |            |                                                                                                                                                                                                                                                                                                                                                                 |
| 12.8 | In circumstances where a grievance is raised about the actions of another employee, the other employee will be made aware of the grievance and they will have the right to be accompanied at any formal meetings.                                                                                                                                                                                                                                                                                                                                                                                                     |            |                                                                                                                                                                                                                                                                                                                                                                 |
| 12.9 | The trade union representative or work colleague accompanying the employee is there to provide support and guidance and may: <ul style="list-style-type: none"> <li>• Take notes on the employee's behalf.</li> <li>• Address the meeting and sum up the employee's case but not answer questions on their behalf.</li> </ul>                                                                                                                                                                                                                                                                                         |            | <ul style="list-style-type: none"> <li>• Confer privately during the meeting (indeed all parties may seek an adjournment to discuss matters privately if necessary).</li> </ul>                                                                                                                                                                                 |
|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12.10      | Employees who have a disability may require additional support at a grievance meeting and therefore may ask to bring along a support worker, communication support, carer, note-taker or another individual with knowledge of their disability and its effects in addition to their representative. This would usually be supported as a reasonable adjustment. |
|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>13.</b> | <b>MEDIATION</b>                                                                                                                                                                                                                                                                                                                                                |
|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 13.1       | Sometimes a grievance can be resolved by mediation between the parties. This can be at any stage of the procedure. Successful mediation requires the genuine co-operation of both parties and can only be done if both parties agree to mediation. Either party can request mediation.                                                                          |
|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 13.2       | The purpose of mediation is to manage the process of bringing two parties together and to reach mutual agreement. The mediator should be someone who is impartial and trusted by all concerned, should ideally be distanced from the work situation and be trained in conflict resolution.                                                                      |
|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 13.3       | If both parties agree to mediation the initial meetings will be arranged ideally within 5 working days after the initial request or if this is not possible both parties will be informed of the timescales.                                                                                                                                                    |
|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 13.4       | Ideally the mediator should meet separately with each party and then bring them together in a neutral location to reach a positive                                                                                                                                                                                                                              |

solution acceptable to both parties. However, the format of the meetings will depend on the situation and personalities involved. Sometimes several mediation sessions may be required.

1.4.3

Should these circumstances arise, managers are encouraged to seek advice from the HR Trustee.

13.5 Meetings will be non-threatening, non-judgemental and non-confrontational and allow each party to discuss their perception of events and have their say. The ultimate aim of the meeting should be to develop an action plan to make clear required behaviours for future relationships.

13.6 Mediation discussions should be completely separate and confidential and should not be referred to if the grievance is taken to the next stage.

13.7 The Black-E has a number of trained and accredited mediators available. Managers are required to contact a HR Business Partner/Employee Relations Officer in the first instance in circumstances where mediation is suggested or requested.

#### **14. OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES**

14.1 The Black-E's grievance procedure cannot be used purely to prevent the progress of a disciplinary process or as an alternative appeal process against any action taken under the disciplinary procedure.

14.2 Where an employee has raised a grievance during disciplinary proceedings 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.

## 15. TEMPLATE LETTERS AND FORMS

### Letter 1 – Acknowledgement of formal grievance and invite to grievance meeting at stage 1

**PRIVATE & CONFIDENTIAL**

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:*

*E-mail:*

*Your ref:*

*Date:*

Dear **<Name>**

#### *INVITE TO FORMAL GRIEVANCE MEETING – STAGE 1*

I write to confirm receipt of your formal grievance dated **<insert date>**.

The Black-E's Grievance Procedure provides a means of allowing employees to raise issues with management about their work, working conditions, or working relationships with colleagues that they wish to be addressed and if possible, resolved.

Therefore, in accordance with the Black E's Grievance Procedure I wish to invite you to a formal grievance meeting on **<date>** at **<time>** in **<location>**.

I will conduct the grievance meeting and a Trustee may attend. You have the right to be represented at the meeting by either a trade union representative or a work colleague.

The outcome of the grievance meeting will be conveyed to you in writing within 5 working days of the date of the meeting taking place or as soon as is reasonably practical.

The Black-E assures you that at all stages information discussed will be held in the strictest confidence and will treat any improper disclosure in accordance with the Black-E Disciplinary Procedure.

Please confirm your attendance and whether you are to be represented at the grievance meeting by contacting **<name>** at **<phone number/contact details>**.

A copy of The Black E's Grievance Procedure and Guidance is enclosed for your information.

Yours sincerely

**<Name>**  
**<Job Title>**

Enc.

**Letter 2 – Letter informing an employee that a grievance has been raised against them and inviting them to a grievance meeting**

**PRIVATE & CONFIDENTIAL**

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:*

*E-mail:*

*Your ref:*

*Date:*

Dear <Name>

*REQUEST TO ATTEND A GRIEVANCE MEETING*

I write to notify you that <insert name> has lodged a grievance against the **action / decision taken (insert as appropriate)** by you. A copy of the written statement of grievance is attached.

The Black-E's Grievance Procedure provides a means of allowing employees to raise issues with management about their work, working conditions or working relationships with colleagues that they wish to be addressed and if possible, resolved.

Therefore, in accordance with the Black-E's Grievance Procedure I wish to invite you to a grievance investigation meeting on <date> at <time> in <location>.

I will conduct the grievance meeting and a Trustee may attend.

You have the right to be represented at the meeting by either a trade union representative or a work colleague. **(to be inserted where this is a formal meeting)** **The Black-E** assures you that at all stages information discussed will be held in the strictest confidence and will treat any improper disclosure in accordance with The Black-E's Disciplinary Procedure.

Please confirm with <name> on <telephone number> your availability to attend on the above date and time.

A copy of The Black-E's Grievance Procedure and guidance is enclosed for your information.

Yours sincerely

<Name >

<Job Title>

Enc.

## Letter 3 – Outcome of grievance meeting at stage 1

### PRIVATE & CONFIDENTIAL

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:*

*E-mail:*

*Your ref:*

*Date:*

Dear <Name>

### OUTCOME OF GRIEVANCE MEETING - STAGE 1

Further to the grievance meeting held on <date>, I write to inform you of the decisions reached with regard to the points you raised. Please find detailed below the outcome of each point raised within your grievance.

#### 1. Detail of grievance

I do not uphold your position / partly uphold / do uphold (**delete as appropriate**)  
*Give reasons and where the grievance is partly upheld / upheld include action to be taken.*

#### 2. Continue as necessary on a point by point basis

You do have the right of appeal against this decision. If you wish to appeal, you should write to <insert name of HR Trustee> within 10 working days of the date of this letter stating the reason for your dissatisfaction. You may use the formal written statement of appeal contained within the Guide to Managing Grievances for this purpose. Please refer to Stage 2 of the Grievance Procedure and Guidance issued to you previously.

You are encouraged to seek advice in preparing your appeal letter from your trade union representative or work colleague.

Yours sincerely

<Name of Manager who heard the Grievance>  
<Job title>

**Letter 4 – Acknowledgement of formal written grievance appeal and invite to attend a grievance appeal meeting at stage 2**

**PRIVATE & CONFIDENTIAL**

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:*

*E-mail:*

*Your ref:*

*Date:*

Dear **<Name>**

**INVITE TO GRIEVANCE APPEAL MEETING – STAGE 2**

I write to confirm receipt of your written statement of Grievance Appeal dated **<insert date>**.

I invite you to attend a grievance appeal meeting at Stage 2 of the Grievance Procedure, to be held on **<date>** at **<time>** in **<location>**.

**<Insert name of Trustee/Chair>** will conduct the grievance appeal meeting and a HR Trustee will attend. At the grievance appeal meeting, all parties, except for any witnesses will be present throughout. This will enable the points you have raised and the response to these to be fully considered.

Please provide the details of any witnesses you may wish to call by **<insert date>**, directly to **<insert name>**.

You have the right to be represented by a trade union representative or work colleague.

The outcome of the grievance appeal meeting will be conveyed to you in writing within 5 working days of the date of the meeting taking place. If this is not reasonably practical, you will be advised of this and the date you will receive the outcome.

Please confirm your attendance and whether you are to be represented at the grievance meeting by contacting **<name>** at **<phone number/contact details>**. This will ensure that the appropriate arrangements can be made.

Yours sincerely

**<Chair of the Board>**

cc HR Trustee

## Letter 5 - Outcome of grievance appeal meeting at stage 2

### PRIVATE & CONFIDENTIAL

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:*

*E-mail:*

*Your ref:*

*Date:*

Dear <Name>

### OUTCOME OF GRIEVANCE APPEAL MEETING – STAGE 2

Further to the grievance appeal meeting held on <date>, I write to inform you of the decisions reached with regard to the points you raised. Please find below the outcome of each point raised within your grievance.

#### 1. Detail of grievance

I do not uphold / partly uphold / do uphold your position (**delete as appropriate**)  
*Give reasons and where the grievance is partly upheld / upheld include action to be taken.*

#### 2. Continue as necessary on a point by point basis

This is the last stage within which the grievance can be considered by the Black-E, which means that the decision as set out is final and the Grievance Procedure ends here.

Yours sincerely

<Chair of Trustees>

cc HR Trustee

**Letter 6 - Outcome of investigation / grievance meeting / grievance appeal meeting to the employee that the grievance was raised against**

**PRIVATE & CONFIDENTIAL**

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:*

*E-mail:*

*Your ref:*

*Date:*

Dear <Name>

**OUTCOME OF FORMAL GRIEVANCE**

I refer to the formal grievance that was made against you by <name> on <date>.

An **investigation / grievance meeting /grievance appeal meeting (delete as appropriate)** has been undertaken in accordance with The Black-E Grievance Procedure in relation to the matter raised and this has now been concluded. I write to advise you that the grievance has been considered **substantiated / unsubstantiated (delete as appropriate)**.

<Detail action to be undertaken>.

If you have any questions in relation to this letter, please do not hesitate to contact me.

Yours sincerely

<Name>

<Job Title>

## Letter 7 - Invitation to witnesses to attend grievance appeal meeting

### PRIVATE & CONFIDENTIAL

Address 1  
Address 2  
Address 3  
Address 4  
Postcode

*Please respond*

*to:*

*Direct line:* 01234 xxxxx/ ext.

*E-mail:*

*Your ref:*

*Date:*

Dear <Name>

### INVITE TO ATTEND A GRIEVANCE APPEAL MEETING AS A WITNESS

You have been invited to attend a grievance appeal meeting in relation to a grievance that has been raised against **actions /decisions taken (delete as appropriate)** by **>insert name>**

I am writing to request that you attend a grievance appeal meeting on <date> at <time> in <location> where you will be called as a witness. <insert name> will conduct the meeting and the HR Trustee may attend.

The Black-E assures that at all stages information discussed will be held in the strictest confidence and will treat any improper disclosure in accordance with the The Black-E's Disciplinary Procedure.

Please confirm your attendance at the grievance appeal meeting by contacting <name> at <phone number/contact details>.

You will be asked to read out your statement at the meeting and your evidence could be tested and challenged through questioning. This will be managed by the person who is conducting the meeting.

You will only be present at a grievance appeal meeting whilst giving your evidence and being questioned after which time you will be asked to withdraw.

If you have any concerns in relation to these requirements or would like any further information, please do not hesitate to contact me.

A copy of the The Black-E's Grievance Procedure and Guidance is enclosed for your information.

Yours sincerely

<Name>  
<Job title>

Enc

## Form 1

### FORMAL WRITTEN STATEMENT OF GRIEVANCE – STAGE 1

Please complete the details and questions as requested below, then sign and date the statement to acknowledge your acceptance of the terms of your submission as outlined in The Black-E's Grievance Procedure.

**Please note this statement should be submitted within 5 working days of the incident/issue arising or failure to resolve the matter informally.**

#### Employee Details

|               |
|---------------|
| Employee Name |
| Title         |

#### Details of Grievance

- 1 Please detail the exact nature of your grievance.
  
  
  
  
  
  
  
  
  
  
- 2 Please provide details of any action already taken in relation to resolving this issue.
  
  
  
  
  
  
  
  
  
  
- 3 Please state what steps you would wish to be taken to resolve your grievance.

*(Please continue on a separate sheet if necessary)*

**Should I subsequently wish to withdraw my grievance I am aware that I must do so in writing.**

|           |      |
|-----------|------|
| Signature | Date |
|-----------|------|

## Form 2

### FORMAL WRITTEN STATEMENT OF GRIEVANCE APPEAL – STAGE 2

Please complete the details and questions as requested below, then sign and date the statement to acknowledge your acceptance of the terms of your appeal as outlined in The Black-E's Grievance Procedure. This appeal must be submitted to the HR Trustee or Chair of Trustees as outlined in your outcome letter.

**Please note that this appeal must be submitted within 10 working days of receipt of the decision of the formal grievance meeting.**

#### Employee Details

|               |
|---------------|
| Employee Name |
| Title         |

#### Details of Grievance Appeal

- 1 Please detail the date of the hearing, the name of the person who chaired the hearing and the decision, which was made.
- 2 Please state the reasons why you are dissatisfied with the outcome of your grievance hearing.

*(Please continue on a separate sheet if necessary)*

**I confirm that I understand that I have now instigated a formal appeal (stage 2) of The Black-E's Grievance Procedure. Should I subsequently wish to withdraw my grievance appeal I am aware that I must do so in writing.**

|           |      |
|-----------|------|
| Signature | Date |
|-----------|------|

