



Shapinsay Development Trust

GRIEVANCE POLICY AND PROCEDURE

Introduction

This document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

This Shapinsay Development Trust is committed to the safety and wellbeing of its employees and the promotion of good health. This policy is therefore intended to provide a means of supporting employees whose performance of their duties is impaired through consuming alcohol or taking drugs as well as raising awareness of the dangers of alcohol and drugs abuse.

Whilst this policy is concerned primarily with excessive use of alcohol or drugs leading to work-related problems, it also recognises that alcohol (which is a depressant) and other drugs, even when taken in moderation, can impair performance and behaviour at work.

Under the Misuse of Drugs Act 1971, we are obliged to notify the police if an employee or any other persons is found to be in possession of or trading illegal substances.

This policy applies to all employees (irrespective of grade or status).

Principles

This procedure will work in accordance with the following principles:

Informal resolution

All employment related concerns should be discussed in the first instance with your immediate line manager if appropriate. If the matter is such that you do not wish to discuss it personally with your line manager, the issue should be raised directly with your line manager's manager. Although the informal stage is strongly recommended as a first step, employees have the right to bypass the informal stage and go straight to formal Stage 1 if they so wish.

Mediation

As an alternative to raising a complaint through the formal grievance procedure or at any stage of the procedure, an employee or the manager may request that the matter is dealt with through mediation. Mediation is voluntary and will only take place with the agreement of both parties. Where mediation is agreed once the formal grievance procedure has been started, the formal procedure will be adjourned whilst the mediation takes place. In the event that no mutually acceptable solution is reached through mediation, the procedure will be reconvened at the point of adjournment.

Right to be accompanied

At all stages of the grievance procedure you have the right to be accompanied by a fellow employee. Before any meetings take place the employee should tell the employer whom

they have chosen as a companion. The companion will be allowed to address the hearing in order to:

- Put the employee's case;
- Summarise the employee's case;
- Respond on the employee's behalf to any views expressed at the hearing;
- Confer with the employee;
- Ask witnesses questions if required.

It will not be acceptable for the companion to:

- Answer questions on the employee's behalf;
- Address the hearing against the wishes of the employee;
- Prevent the organisation from explaining their case.

If the companion becomes obstructive to the process in any way the organisation has the right to ask that an alternative companion be appointed by the employee.

If your chosen companion is unavailable to attend on the date or at the time originally set for the hearing, the employer must postpone the meeting to another date and time proposed by you within five working days of the date proposed by the employer. If the companion is not available within this time, you must choose another companion or attend without one.

Records

At all formal stages of the procedure, outcomes of decisions will be recorded in writing, and copies given to all parties involved. All records will be kept confidentially in accordance with the Data Protection Act.

Interpreter

In addition, where the employees' first language is not English and an interpreter is needed, the companion may interpret for the employee or an interpreter may attend in addition to the companion. Before any meetings take place the employee should tell the employer whom they have chosen as a companion and if the companion is able to interpret for the employee or if there is the need to appoint an interpreter. Where it is necessary to appoint an interpreter the costs will be met by the organisation.

Disability

At all times during any informal or formal proceedings the organisation will ensure, where they know an employee has a disability, to make any possible reasonable adjustments to ensure the procedure is fully accessible and understandable to all employees. These adjustments may include but are not limited to:

- Location and timing of meetings;
- Alternative formats of all written disciplinary information;
- Equipment such as an induction loop, sign language interpreter;
- Appropriate adjustments for people with a learning disability.

Timescales

All timescales mentioned within this procedure will be adhered to where possible, but are subject to change in the event that particular circumstances prevent them being adhered to.

Formal Procedure

Where the informal method has not resolved the issue, or is not appropriate, the following formal procedure should be used.

Stage 1

If you have a grievance relating to your employment you should submit a written grievance to your line manager, who should meet with you within 5 working days.

Any necessary investigation will be carried out and you will be informed, in writing, of the decision in response to your grievance within 5 working days of the meeting date. The response will include notification of your right to appeal a decision if you are not satisfied with it.

OR

Stage 1 (Where a grievance involves the line manager)

If the grievance involves your line manager you should submit a written grievance to your manager's line manager (in some cases this will be the Chair). Similarly, where your line manager is unable to hear the grievance it will be heard by your line manager's manager (in some cases this will be the Chair). Timescales and appeal as for Stage 1.

Stage 2 – Appeal

If the matter is not resolved to your satisfaction within the time agreed, you should submit your grievance in writing to a designated member of the Management Committee. That person will call a meeting within 5 working days of your request. Having carried out whatever investigation is deemed necessary, they will give a decision, in writing, within 5 working days of the meeting. More than one Board member may be at the grievance appeal meeting.

The decision at stage 2 will be final, and there is no further right of appeal.

Implementation Date: _____

Review Date: _____

Signed: _____

(for and on behalf of the Management Committee)