



## **HRM Grievance Policy V.1**

20<sup>th</sup> September 2019

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### Key document summary

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## 1 Purpose and Scope

Horn Risk Management (HRM) is committed to dealing with employee and third party grievances fairly, consistently and without unreasonable delay. This policy sets out the way in which an employee or a third party, who has worked on behalf of or for HRM, or is a member of the public (third party) should make any complaints they have about work related matters or HRM activities and the way in which HRM will deal with these complaints. This is a non-contractual policy and procedure and can be changed by HRM at any time. If an employee or third party has any queries about this policy and procedure, they should contact the Managing Director.

## 2 Primary Principles

Grievances will be dealt with confidentially so far as is reasonably possible and employees and third parties must keep information learnt during this process confidential.

The purpose of a grievance or appeal meeting is for the employee or third party to explain his or her grievance and how they think that it should be resolved using evidence available to make representations, allowing HRM management to come to a decision.

The following principles will be adhered to;

- Each Step must be followed through without unreasonable delay.
- Both employee/third party and HRM management must take reasonable steps to attend each meeting under the procedure and will have the opportunity to state their case.
- Meetings will be held at a reasonable time and location.
- All relevant information will be provided to both HRM and employee/third party in advance of any meeting under the procedure.
- The employee/third party has the right to be accompanied by a colleague or trade union representative to any and all meetings.
- The appeal meeting will, where possible, be chaired by a manager more senior than the manager who took the decision at the initial grievance meeting.

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- If the employee/third party or their companion is disabled, reasonable adjustments will be made to enable them to participate fully.
- Confidentiality will be maintained. Only those who need to know about the grievance will be informed.
- After the grievance and regardless of the outcome both parties will endeavour to work together in a positive manner.

Employees/third parties will not be subjected to a detriment for raising a grievance in good faith, even if the grievance is not upheld. However, the employee/third party should not use this policy to dispute a disciplinary or dismissal decision. The correct policy for this can be obtained from the Managing Director. Also, if an employee/third party deliberately gives false information, is dishonest or makes a false complaint during the grievance process, this may lead to disciplinary action by HRM.

Employees/third parties will not normally be suspended during the grievance process, but HRM reserves the right to suspend if in HRM's discretion, this is helpful and reasonable. Employees/third parties will continue to receive their normal pay and benefits. except for;

The employee/third party will not be able to access or use the following benefits:

- work laptop
- work mobile phone

Certain aspects of performance-based pay or benefits such as:

- rights under any incentive plan

The employee/third party has the right to appeal any decision made about a grievance as set out in the appeals section of this policy and procedure.

HRM processes personal data collected during informal discussions and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal discussions and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the grievance or conducting the grievance procedure. Inappropriate access or disclosure of Employee/third party data constitutes a data breach and should be reported in accordance with the HRM's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the HRM's disciplinary procedure.

### **3 Informal Discussion**

HRM promotes communication between employees/third parties and so wherever possible, the employee/third party should try to resolve any grievance at work by firstly talking about it informally with their manager to try and agree a solution. If the grievance is too serious, if the employee/third party or HRM think it is not appropriate in the circumstances to deal with the grievance informally, or if discussing the grievance informally does not work, the employee's/third party's grievance will be dealt with formally.

If HRM thinks that an investigatory interview would be helpful at any stage during the grievance process before a formal meeting is held or continued, HRM may take statements from the employee/third party or witnesses or review documents at HRM's discretion. No decision will be taken until after a grievance hearing has been held. An employee/third party does not normally have the right to bring a companion to an investigative interview. However, HRM may allow the employee/third party to bring a companion in its absolute discretion.

### **4 Formal procedure**

#### **4.1 Stage 1 - Statement of grievance**

- To raise the matter formally the employee/third party should write to their immediate supervisor setting out the facts of the grievance, avoiding insulting or abusive language and trying to give specific examples of the complaint, copies of documents, names of witnesses, and dates where possible.
- Where an employee's/third party's grievance is against their immediate supervisor, the employee should write to the Managing Director or a manager who is not the subject of the grievance.

#### **4.2 Stage 2 - Grievance meeting**

- Within five (5) working days, the employee's/third party's manager will respond, in writing, to the employee's written grievance, inviting the employee to attend a meeting where the alleged grievance can be discussed.
- The employee's/third party's manager will usually hold the meeting (unless they are the subject of the grievance or it is not reasonably practicable for the employee's/third party's manager to hold the meeting).

- Five (5) working days notice of the meeting will usually be provided to the employee/third party and they will be informed of their right to be accompanied by a companion.
- The employee's/third party's choice of companion will be agreed to if the companion is either a colleague, a trade union official or a trade union representative (which if not an employed official, must be certified by their union as competent to accompany a worker) and under the circumstances the employee/third party has made a reasonable request to be accompanied. The employee/third party should advise HRM of the identity of the companion (or any change in their choice of companion) and whether they will require any special adjustments to be made for their or their companion's attendance, at least 24 hours before the start of the meeting.
- HRM encourages employees/third parties to bring their choice of colleague, trade union representative or trade union official to formal meetings under this procedure, but the employee/third party should bear in mind how practical it is for their choice of companion to attend and consider if there is a suitable and available individual who is geographically close to where the meeting is to be held, rather than first considering an individual geographically based further away.
- The role of the companion in a formal meeting is to make notes, confer with the employee/third party and if the employee/third party requests it, to address the hearing to state the employee's/third party's case and respond to any views expressed at the meeting. The companion does not have the right to answer questions or address the hearing if the employee/third party does not request this and must not prevent HRM from explaining its case.
- If an employee/third party or their companion is unable to attend the meeting at the time, date and place specified by HRM, they must notify the chair of the meeting as soon as possible in writing. Except in the case of an emergency, this should be at least 24 hours before the start of the meeting and the employee/third party should advise of a time when they and their choice of companion will be available within five working days of the original proposed meeting and provided this is reasonable, the new meeting time will be agreed.
- Employees/third parties must make every effort to attend any scheduled meeting under this procedure. If you are unable to attend more than two scheduled meetings, HRM reserves the right to make a decision about your grievance using available evidence but in your absence.

- If HRM or employee/third party will be referring to any documentation during the formal meeting, this should be sent to the other party at least 24 hours before the start of the meeting, so that they have a reasonable chance to prepare.
- HRM may in its absolute discretion adjourn a meeting to carry out further investigations, after which the meeting will usually reconvene.
- After the meeting the manager will give the employee/third party a decision in writing, normally within 24 hours.

### **4.3 Stage 3 - Appeal**

- If the employee/third party is unhappy with HRM's decision and they wish to appeal, they should write to a more senior manager than their immediate supervisor within five (5) working days of the date of the decision, saying that they disagree with the decision and giving their reason(s) why and providing any new evidence they seek to rely on.
- The employee/third party will be invited to an appeal meeting, normally within ten (10) working days of HRM receiving the employee's/third party's letter of appeal. The employee's/third party's appeal will be heard by an impartial manager or if necessary an independent HR advisor who has not been part of the process up until the appeal stage. The employee's/third party's appeal will either be a review of the grievance decision made or a complete rehearing, at HRM's discretion. The right to be accompanied to the appeal meeting is the same as set out in (e)-(g) in Stage 2 above.
- After the meeting the employee/third party will be given a decision, normally within 24 hours. HRM's decision is final and there is no further right to appeal.

## **5 Record Keeping**

Full and complete records of the formal grievance procedure and the appeal, if relevant, will be presented to the employee/third party for their review and confirmation as to the accuracy of the record. Once the employee/third party has confirmed the accuracy of the record by signing and HRM has counter signed the documents the employee/third party will be presented with a copy of the record for their safekeeping. HRM will keep the original record (a hard and soft copy) of the grievance in a secure and confidential store that only the managing director will have access to. All other copies and records of the grievance will be



deleted from company servers and laptops and any documents pertaining to the grievance will be destroyed.

## 6 Anonymous Complaints

An employee/third party may wish to make an anonymous complaint, whilst HRM would prefer that all complaints are presented by a named aggrieved party, it recognises that some employees/third parties may feel uncomfortable doing this. As such through the HRM website there is a portal through which an anonymous complaint can be made.

All anonymous complaints received by HRM will be investigated to the best of its ability and if the complaint warrants further action will act upon the results of the investigation.

Signed for, and on behalf of Horn Risk Management

Signed: 

Latif Ismail

Managing Director

Date: 28<sup>th</sup> May 2020