Bradford Arts Centre

GRIEVANCE POLICY

(HARD COPY KEPT OFFLINE IN BRADFORD ARTS CENTRE OFFICE)

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1. Introduction

Bradford Arts Centre is committed to promoting a positive working environment where employees and freelance contractors feel that they can raise work related concerns, problems or complaints with their manager or other appropriate persons both informally and formally if required. This Grievance Policy provides the framework for such issues to be dealt with fairly and quickly without fear of recrimination or victimisation.

Dealing effectively with employee and freelance contractor grievances about work related issues is essential to the effective working of Bradford Arts Centre and ensure the safety and wellbeing of employees and freelance contractors so they do not feel they are being treated unreasonably by managers and colleagues.

It is expected that an employee or freelance contractor will aim to seek to resolve any issues they may have within the course of normal workplace communications. Any issue should be settled as quickly as is reasonably practicable and as near to its source as possible.

This Grievance Policy aims to encourage positive relations and secure constructive and lasting solutions to workplace disputes. It adopts a non-adversarial approach to resolving difficult issues and encourages the use of solution focused problem solving and/or mediation as an alternative to formal processes.

The formal stage procedure (see section 10) should normally be used only where an early / informal resolution has been unsuccessful (see sections 8 and 9).

2. Scope and Responsibilities

This policy applies to all employees of Bradford Arts Centre and all freelance contractors delivering activity on behalf of the company.

This policy will be reviewed every two years.

The CEO is responsible for keeping this document accurate and up to date for Trustee review and approval. Trustees are responsible for ensuring this procedure is adhered to.

Everyone employed by Bradford Arts Centre are responsible for identifying complaints and ensuring this policy is followed.

3. Application

The procedure set out in this policy will be applied in such a way as to promote the best possible relations between employees and/or freelance contractors, while respecting each other's dignity and point of view. All parties are required to adopt a reasonable and responsible attitude to resolve issues.

The Manager or Board member to whom the issue has been raised will review whether the Grievance Policy is the appropriate route to pursue the issue raised. The employee and/or freelance contractor raising the grievance will receive an explanation of which policy will be applied and the process by which the issue will be taken forward.

Complaints in relation to dignity and respect are considered matters of conduct and will be dealt with under the Disciplinary Policy and Procedure, where applicable.

Any concerns about a risk, malpractice or wrongdoing at work (such as a risk to safety, fraud or breaches of confidentiality) which may affect clients, other employees and contractors, trainees and participants in Bradford Arts Centre projects, the public, or the organisation itself, should be raised directly with the CEO or Chair of the Board as appropriate.

Where a grievance and disciplinary case are related, both issues will be dealt with concurrently. The decision as to whether grievance and disciplinary issues are related will be taken by the manager or an appropriate Board member.

Bradford Arts Centre reserves the right to refuse to accept a grievance or complaint that is considered repetitious and/or vexatious, malicious or false. Those grievances found to be vexatious, malicious or false will be treated as a potential misconduct issue and shall be progressed via the Disciplinary Policy and Procedure.

In all cases employees and freelance contractors should raise issues as soon as reasonably possible after the event/incident without any undue delay unless there are exceptional circumstances. For example, it is not conducive to the timely resolution of a matter to raise it some months after the issue has arisen.

Bradford Arts Centre will accommodate reasonable adjustments to ensure that employees and freelance contractors are supported throughout the procedure in accordance with the Equality Act 2010.

An employee may withdraw their grievance at any point in the informal or formal grievance process. However, in such circumstances, the manager or Board member will work with parties to clarify the reason for the withdrawal and to ensure a positive working environment.

Complainants and respondents have the right to be accompanied at meetings held under the formal stages of this policy by a work colleague or Trade Union representative.

4. Confidentiality

Matters dealt with through the Grievance Policy will be kept confidential by those involved. However, in some instances this may not be possible where, to take action or make a decision, a manager may need to explain, discuss or describe the contents of the grievance.

If an employee submits a ‘confidential’ grievance and does not wish to make a written statement or have their name mentioned as the complainant, the manager may be unable to take any formal action. However, there may be occasions when the manager has an obligation to deal with the issue despite the employee’s request for confidentiality.

5. Working Arrangements during Proceedings

Under normal circumstances, whilst the appropriate grievance procedure is being followed the 'status quo' will be maintained. This means the practice, previously agreed or established, that was in operation prior to the grievance being raised should stand, pending the completion of the procedure.

The status quo may be disregarded where maintaining it would have a detrimental effect on an employee or contractor's health and safety or hamper the actual investigation of the grievance or complaint. Consideration may be given to suspend an employee or contractor to enable a thorough investigation to take place. Such concerns and appropriate arrangements should be agreed by the appropriate manager or Board member.

Where a grievance is about the immediate manager, the employee may raise the issue with either the manager's manager, another appropriate manager, or a Board member.

Where a grievance is raised about an outside worker, Bradford Arts Centre will endeavour to work in partnership with the other organisation to resolve the issue(s).

6. Records

It is important, and in the interests of both employee and employer, to keep full written records during the grievance process. In accordance with the Data Protection Act 1998 records should include:

- The nature of the grievance, including a written copy.
- The formal grievance meetings outcome letter.
- Where there was an appeal, the formal grievance appeal meetings outcome letter.
- Evidence of completion of an action plan, if required.

7. Timescale and Non-Attendance

Requests for resolution must be made within three months, beginning with the date that the act which gave rise to the concern, problem or complaint took place. Where a concern, problem or complaint extends back over a period of time, the request for resolution must be made within three months of a final act identified.

The time limit may be extended by the manager or Board member if they are satisfied it was not reasonably practicable to make the request earlier and if it is just and equitable to all concerned to do so. Additionally, the time limit may be extended by the manager or Board member when the employee finds out the information which gives rise to the concern, problem or complaint outside of the three-month time limit, or could not reasonably have been expected to have found it out within that time.

Formal grievance meeting date(s) may be postponed by the manager or Board member if either of the parties or their representatives are unable to attend or for any other good reason.

In any of the above instances, reasonable notice will be given on the rearranged date of the formal grievance meeting(s) and no further postponements to the re-arranged meeting(s) will be made. Failure of a complainant or respondent to attend a rearranged meeting without good reason may lead to a decision being made in their absence.

Whilst Bradford Arts Centre is committed to meeting the timescales included in this procedure, it is recognised that in some instances there will be a legitimate need to extend timescales due to the complexity of the issues and/or the availability of those concerned. Where this is the case, the reason for the extension will be communicated to the relevant parties along with a revised timescale.

Altering time limits should not be used as a means of delaying the resolution of a grievance.

8. Early / Informal Resolution request

An early / informal resolution request can be made at any point in the grievance and complaints procedure to one of the following people:

- Your manager.
- Your manager's manager.
- An equivalent level of Manager or a Board member.

The early / informal resolution request can result in, but not be limited to, one or more of the following courses of action:

- Discussion with the individual.
- A facilitated conversation.
- Mediation (by an external mediator).

9. Early / Informal Resolution Approaches

It is the responsibility of all parties involved to attempt to implement actions agreed from early / informal resolution meetings. Specific action plans resulting from these discussions will be proposed or agreed at the end of any stage in the grievance procedure and all parties will have a responsibility to work towards agreed actions.

Where the employee feels that early informal resolution meetings have not resolved their grievance to their satisfaction, they have the option to progress to the formal stage of the Grievance Policy below.

If it is felt that any outstanding issues should or could be resolved informally, then matters will be referred to the relevant manager or Board member to be reviewed and dealt with appropriately. There is no right of appeal against any such decision to refer the matter to be dealt with through early / informal resolution. The outcome of early informal resolution, whether successful or unsuccessful, will be confirmed in writing to all parties. Bradford Arts Centre hopes that most concerns will be resolved at this early / informal resolution stage.

10. Formal Stage

When the employee or freelance contractor considers that the grievance has not been resolved at the early / informal resolution stage, and that all efforts to resolve the matter informally have been exhausted, the complainant can raise the matter formally and in writing. The employee or freelance contractor should outline the reasons for the formal grievance, stating why the outcome of the informal resolution stage was not to their satisfaction, and what resolution they are seeking.

The manager or Board member will review the formal written grievance to:

- Ascertain whether the Grievance Policy is the appropriate route to pursue the issue(s) being raised. The employee or freelance contractor raising the grievance will receive an explanation of which policy will be applied, and the process by which the issue will be taken forward.
- Decide whether to accept the formal grievance. Bradford Arts Centre reserves the right to refuse to accept a formal grievance where the employee is unable to provide this information, or it is considered that management have not been given the opportunity for early / informal resolution to be fully explored. If this is the case, the grievance will be referred to the early / informal resolution stage.
- If it is felt that the matter should be dealt with formally, separate investigation and hearing meetings will be arranged at the earliest opportunity with complainant and respondent.

The respondent will be provided with the written grievance at the earliest opportunity, if they have not already been made aware.

The complainant and respondent will be invited to a separate formal grievance hearing and investigation meeting and will be notified of:

- The date, time and location of the formal meeting.
- Their entitlement to be represented by a work colleague or Trade Union representative.

The manager or Board member may decide to meet with other parties, such as witnesses or individuals who can provide specialist advice, as deemed appropriate to support reaching a decision on the grievance.

The manager or Board member will ensure the outcomes of the investigation and hearing, and where appropriate the implementation of any recommendations, are summarised in writing to all parties in a timely manner, together with the right to appeal.

A complainant who is dissatisfied with the outcome of the formal investigation should proceed to the appeal stage of the Grievance Policy.

11. Appeal

The complainant will have the right of appeal, and this will be confirmed to them in the outcome letter. The appeal can be submitted for one of the following reasons:

- A procedural irregularity.
- Some other justifiable reason. The Chair of grievance appeal meetings has grounds to review and reject the 'some other justifiable reason' if it is deemed not justifiable.

The appeal must be made in writing to the manager or Board member. This must be submitted within two working weeks of the date of the written outcome, at the conclusion of the investigation, and should state clearly in full the basis on which the appeal is to be made.

The formal grievance appeal meetings will consider the specific matter of the appeal rather than reconsider all matters raised within the original grievance/complaint.

The Chair of the formal grievance appeal meetings will be a senior manager or Board member not privy to the grievance matters under appeal.

Both parties will be invited to the formal grievance appeal meetings and will be notified of:

- The date, time and location of their formal grievance appeal meeting.
- Their entitlement to be represented by a work colleague or Trade Union representative.

The Chair of the formal grievance appeal meetings may decide to meet with other parties, as deemed appropriate, to support reaching an appeal decision.

The Chair of the formal grievance appeal meetings will, normally, write to the parties within seven calendar days to give their decision and the recommended action plan. This timeline may vary dependent upon the number and complexity of issues raised. The Chair will confirm any amended timeline to all parties.

The decision of the Chair of the formal grievance appeal meetings will be final.

12. Collective Grievances

Collective grievances will follow the same informal and formal grievance / appeal process as an individual grievance.

Any person directly involved in the dispute may not be appointed as Chair of the formal grievance / appeal meetings.