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Grievance Procedure

January 2023

Introduction

We believe that all employees should be treated fairly and with respect. If you are unhappy about the treatment that you have received or about any aspect of your work, you should discuss this with your manager, who will attempt to resolve the situation on an informal basis.

Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which you believe you have been treated by the company or managers acting on its behalf, colleagues or about any aspect of your work. Complaints that amount to an allegation of misconduct on the part of another employee will also be investigated and dealt with under the disciplinary procedure.

Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed.

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. To the extent that a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

The right to be accompanied

You have the right to be accompanied by a fellow worker or trade union official at any grievance meeting or subsequent appeal. The trade union official need not be an employee of the company, but if they are not a fellow worker or an employee of their union, the company may insist on them being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

The choice of companion is a matter for you. Please note that individual workers are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

At any hearing or appeal hearing, your companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the company and you, so any questions put directly to you should be dealt with by you and not your companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date.

Accessibility

If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, please raise this with your manager, who will make appropriate arrangements.

Recording of meetings

You, or any person acting on your behalf, is not normally permitted to record electronically any meeting held under the grievance procedure. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action, up to and including dismissal.

In certain limited circumstances, we may permit the meeting to be recorded electronically. For example, where it is a reasonable adjustment for an employee with a disability. Where we permit the meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

Data protection

We process personal data collected during informal complaints and the formal grievance procedure in accordance with our **data protection policy**. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. You should immediately report any inappropriate access or disclosure of employee data in accordance with our data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

Conducting the grievance procedure

We recognise that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

Formal grievance procedure

Making the complaint

The first stage of the grievance procedure is for you to put your complaint in writing. This written statement will form the basis of the subsequent hearing and any investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your complaint should be headed "Formal grievance" and sent to your manager. If your complaint relates to the way in which you believe your manager is treating you, the complaint may be sent to an external HR consultant.

Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, we will proceed to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered in the course of these investigations, you will be given a copy in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

The grievance hearing

The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within five working days of the receipt of your written complaint. It will be conducted by your manager and attended by an HR representative. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

Where it is not possible to hold a face-to-face meeting, we will conduct the grievance hearing remotely. We will ensure that you have access to the necessary technology for participating in the process.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint.

Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The manager conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

Following the meeting, you will be informed in writing of the outcome within seven working days and told of any action that we propose to take as a result of your complaint. You may discuss this outcome informally with either your manager or designated HR representative.

If you are dissatisfied with the outcome, you may make a formal appeal.

Appeal

Your appeal should be made in writing to the manager who conducted the designated HR representative. You should clearly state the grounds of your appeal, ie the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within seven working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within five working days of the submission of your formal appeal, wherever possible.

Where it is not possible to hold a face-to-face meeting, we will conduct the appeal hearing remotely. We will ensure that you have access to the necessary technology for participating in the process.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

The appeal hearing will be conducted by another manager, director or person nominated by the company, who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate.

Following the appeal meeting, you will be informed of the outcome within seven working days, wherever possible. The outcome of this meeting will be final.



Erik Paterson,
Director,
EP Ecology Ltd.

Date of review: 18 January 2023

Date of next review: on or before 31 January 2024