



**A really useful place for community groups**

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## Grievance Procedure

This is the grievance procedure for Brighton & Hove Social Welfare and Educational Trust Ltd. This procedure was updated in November 2021.

Signed:

Date:

Director of B&H SWET Ltd (the employer)

## 1. Introduction

- 1.1. This procedure is designed to clarify the rights and responsibilities of B&H SWET Ltd, staff and trade unions should an employee feel the need for a formal process to resolve a grievance. It has two levels of grievance action.
- 1.2. The purpose of the process is to ensure that problems between the employer and any employee or between fellow employees are dealt with swiftly and fairly.
- 1.3. As a collective workplace, the Resource Centre is committed to maintaining a climate in which all staff members can raise issues and problems with the expectation that these will be taken seriously and resolved in an atmosphere of mutual trust. It is expected therefore that most staff problems will be resolved within the Workers' Group without recourse to this formal procedure.
- 1.4. A meeting of the whole Workers' Group may not always be the most appropriate means of resolving staff problems. The Group will therefore be flexible in its approach and consider means such as one-to-one discussion or outside mediation. Any approach must have the agreement of the whole Group, including the employee who raised the particular problem under consideration.
- 1.5. If the Workers' Group is unable to satisfactorily resolve a problem or if an employee is dissatisfied with its attempts to resolve the matter, the employee has the right to invoke this procedure.
- 1.6. Detailed written records should be kept of any interviews relating to the grievance process.

## 2. Roles and responsibilities

- 2.1. **Manager:** the Workers' Group will designate a member of staff as Manager for the purpose of any Grievance procedure. The person designated as Manager must not be the member of staff who has invoked the Grievance Procedure, nor any member of staff who is the subject of the Grievance.
- 2.2. **Personnel adviser:** a competent person from outside the Resource Centre will act as adviser on personnel and procedural matters.
- 2.3. **Grievance panel:** the panel for grievance hearings will be made up of two members of the Management Committee, one of whom will chair the panel. The personnel adviser will also be present.
- 2.4. **Appeal panel:** the panel for the appeal hearings will be made up of the chair of the Management Committee (or a substitute) and one other member; neither member must have taken part in the original Grievance panel. The personnel adviser will also be present.
- 2.5. **Fellow employee:** if the grievance is against a fellow employee, this employee should be given full details of the grievance, including the date of the hearing and any papers submitted by the complainant. The fellow employee has the right to attend any hearing and to present a case and ask questions. There is no obligation to attend the hearing, but if the employee chooses to attend then the complainant, the manager and the chair of the Panel have the right to put questions to clarify the matter.
- 2.6. **Representation:** the complainant and the fellow employee have the right to be represented by a trade union representative or by a friend at either hearing.

## 3. Stage 1: Grievance hearing

- 3.1. The complainant must put the grievance in writing to the Workers' Group. The named manager will confirm in writing the receipt of the grievance and arrange for a hearing to be held within 5 working days.
- 3.2. The complainant (and any fellow employee) must be given at least 5 working days' notice in writing of the date, time and location of the Grievance hearing.

- 3.3. The notice will also state
  - a) the names of the manager, panel members, and personnel adviser
  - b) the names of any witnesses being brought by management
  - c) the right of the employee to representation and to bring witnesses
- 3.4. Any papers which the complainant or the representative wish to present to the hearing must be submitted to the manager at least 2 days before the hearing, together with a list of any witnesses which they intend to call.
- 3.5. The Grievance panel will inform the employer, the complainant and any fellow employee of the decision at the end of the hearing.
- 3.6. A letter confirming the decision will be delivered to the complainant and any fellow employee within two working days of the hearing, reiterating the right to appeal.

#### **4. Stage 2: Appeal hearing**

- 4.1. The complainant may appeal to the Chair of the Management Committee against the Stage 1 decision within five working days of the Grievance hearing. The appeal must be in writing and state the grounds for the appeal.
- 4.2. The hearing must be held within 5 working days of the receipt of the appeal.
- 4.3. The complainant (and any fellow employee) must be given at least 5 working days' notice in writing of the date, time and location of the appeal hearing.
- 4.4. The notice will also state:
  - 4.4.1. the names of the manager, the panel members and the personnel adviser
  - 4.4.2. the names of any witnesses being brought by management
  - 4.4.3. the right of the employee to representation and to bring witnesses
- 4.5. Any papers which the complainant or the representative wish to present to the hearing must be submitted to the manager at least 2 working days before the hearing, together with a list of any witnesses which they intend to call.
- 4.6. The appeal panel will inform the employer, the complainant and any fellow employee of the decision at the end of the hearing.
- 4.7. A letter confirming the decision will be delivered to the complainant within two working days of the hearing.
- 4.8. The appeal hearing is the final stage of the Grievance procedure.

#### **5. Format for hearings**

- 5.1. The chair of the panel will introduce those present, detail the purpose of the hearing and explain the format of the hearing.
- 5.2. The complainant or the representative will present the complainant's grievance and may call witnesses as appropriate. The manager and any fellow employee may question the complainant, the representative and witnesses for clarification. The chair may also ask questions to clarify the grievance.
- 5.3. If the grievance is against a fellow employee, that employee has the right to respond along the lines of the procedure in paragraph 5.2.
- 5.4. The manager will put the employer's response and may call witnesses as appropriate. The complainant or the representative (or both) may question the manager and witnesses for

clarification. The fellow employee and the chair may also ask questions to clarify the management response.

- 5.5. All parties involved may summarise their case if they choose to do so.
- 5.6. The hearing will adjourn while the panel, advised by the personnel adviser, discuss the matter in private. They may temporarily reconvene the hearing if they need further clarification of any matter.
- 5.7. If new information has come to light during the hearing which needs further investigation, a decision will be deferred and a date set for a reconvened hearing.
- 5.8. At the end of the hearing or reconvened hearing, the chair of the panel will inform the complainant of the decision (and of the right to appeal if it is a Stage 1 hearing).
- 5.9. Accurate minutes must be kept of hearings. It may be advisable to ask an outside person to act as minute secretary at hearings.