

# Grievance Policy and Procedure

Owner: Human Resources

## Document Control

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## Introduction

Terrence Higgins Trust (THT) will resolve any problem or concern about work, working conditions or workplace relationship issues promptly and informally wherever it can. Where we do enter into an informal or formal process with an employee, we will ensure that individual cases are dealt with consistently, with equity, fairly and with dignity. We will work towards creating an environment where you and your manager can address concerns informally as part of normal day-to-day communications.

The Grievance policy and procedure provides the opportunity for employees to raise, discuss and resolve any individual concerns, problems or complaints they may have regarding their employment. The policy applies to all employees and is based on the ACAS Code of Practice.

For complaints relating to bullying and harassment or discrimination please refer to the THT Dignity at Work Policy. THT also has a policy specifically for whistle-blowing- the Expression of serious concern policy.

However, employees should not worry if they are not sure which policy to use, or if the template form at the end of this policy is daunting to complete. Employees can always reach out to the HR department who will help them to express their voice through the most appropriate channel.

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## Principles

THT will:

- provide a framework for employees to raise concerns about how they are managed and treated by the charity
- expect line managers to have regular supervision meetings with their staff and encourage open two-way communication between employees and manager across the organisation
- carry out any informal or formal process within the spirit of THT's values
- address issues in a timely manner
- investigate concerns and complaints at work thoroughly, appropriately and in good faith
- treat all those involved in the process with respect and dignity
- provide support to all involved in the process, using third parties as necessary (such as the employee support line)
- ensure employees are not subject to any discrimination, harassment or victimisation for participating in an informal or formal process

We expect employees to:

- treat others with respect, dignity and courtesy
- raise concerns promptly and adhere to the advice and guidance contained in this and the THT Dignity at Work Policy
- co-operate with those managing any informal or formal process
- act in the spirit of THT's values

Meetings will be held face to face or via Zoom and it will not be permissible for an employee to record any meetings during any part of the formal and informal process.

## Grievances and inclusion

We know that, depending on people's previous lived experience, they may be nervous, or distrustful of a full and fair hearing if they raise a matter through formal organisational channels such as a grievance. Employees are able and asked to express any concerns that they have, and these will be heard, acknowledged and support provided (either when raising a matter informally, or through the formal stages of the grievance process).

Where an employee doesn't feel that this has been the case, they should speak with a more senior staff member, a Staff Forum Representative, member of the HR department or a Director so that they are heard and supported.

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## Informal procedure

Employees should use normal day-to-day catch up meetings, supervision one to ones or ad-hoc meetings, to raise any concerns they may have with their line manager. The line manager should listen to what they have to say and work with them to find a suitable resolution. Should the concern relate to their line manager they should raise it with their line manager, Staff Forum representative, or a member of the HR department.

There are a number of approaches that can be taken to resolve concerns. The line manager, Staff Forum representative or the HR department can help to decide which might be the best one to take. Approaches include (but are not limited to):

- **A facilitated discussion:** this is a discussion between all parties involved in the matter of concern. The discussion would be facilitated by an appropriate manager or a member of the HR department. The purpose of the discussion would be to help all parties gain a better understanding of the concerns raised and agree a way forward.
- **Mediation:** a voluntary process where the mediator helps two or more people to attempt to reach an agreement about an area of concern. Mediation may be particularly helpful in situations involving conflict among colleagues and in rebuilding relationships. The mediator is independent and impartial and all information given to them by the parties will remain confidential. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Any agreement comes from those in dispute not the mediator. The object of mediation is to help all parties arrive at a satisfactory solution to their conflict or problem with a settlement acceptable to all parties. Recommendations that emerge from the process would be voluntary and non-binding; however they should be given serious consideration by all parties, in order to try to resolve the issue in the best way possible. As THT does not have trained mediators on its staff we would normally seek external support for this.

Using informal approaches does not preclude employees reverting to the formal procedure if they wish.

## Formal procedure

### Notification of a grievance

If it has not proved possible to resolve the grievance informally, or the matter is too serious to be dealt with informally, the complaint should be detailed using

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**Appendix B – Formal grievance notification form** and sent to the Director of People and Corporate Services.. The written grievance should outline the issues to be addressed as fully as possible and also state the resolution being sought.

For those who need support, or find the form difficult to complete, an email can be used instead, or a member of the HR department can offer guidance.

## Formal grievance hearing

Upon receiving the formal grievance, the HR department will appoint a chair<sup>1</sup> to consider the complaint. A written invitation to a hearing will be sent where the individual will be able to discuss their concerns. This hearing should be held within **10** working days of the HR department receiving the grievance. The letter should also advise of the right to be accompanied at the hearing by a THT work colleague, member of the Staff Forum or a trade union representative. Employees wishing to be accompanied should inform the HR department and provide the details of the representative at least **one** working day prior to the hearing. A member of the HR department will also be in attendance to provide advice and guidance. A note taker may also be present.

At the hearing the individual will be asked to provide details of their concerns and how they would like to see them resolved. The chair may adjourn the hearing to investigate any new evidence, or interview others who may be involved in the grievance. Any investigation or questioning will concentrate on establishing the facts of the case.

After the hearing and any investigation, the chair will decide whether the grievance is upheld, partially upheld or unfounded. The chair will aim to confirm their decision in writing within **10** working days of the hearing. Where there are numerous clarifications to be made the chair may specify a longer timeframe. Where this is the case you will be kept fully informed and given a revised deadline for receipt of the outcome in writing.

The outcome letter should clearly state the outcome and detail what action THT intends to take to resolve the grievance. An explanation should be provided where the grievance has not been upheld. The letter will also advise the employee of their right of appeal.

## Appeal hearing

If an employee feels that their grievance has not been satisfactorily resolved they have the right to appeal by submitting a written appeal to the Director of People

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<sup>1</sup> A manager who will hear the concerns that you raise and come to a decision on the outcome. This will usually not be the direct line manager. The chair will be appointed by the HR department.

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and Corporate Services within **five** working days of receiving the chair's decision. The letter should outline the grounds of the appeal as fully as possible.

The purpose of the appeal hearing is to review the original grievance decision, not to consider the whole matter afresh. Additional evidence may be presented at the appeal hearing only if it can be demonstrated that it is relevant and that it was not available at the original hearing..

Where possible, the appeal will be heard by a chair (the appeal chair<sup>2</sup>) who is more senior than the chair of the original grievance hearing. The appeal hearing will usually take place within **10** working days of receiving the appeal. A written invitation to the appeal hearing will be sent, advising of the right to be accompanied at the hearing by a THT work colleague or a member of the Staff Forum or a trade union representative. Those wishing to be accompanied should inform the HR department and provide the details of their representative at least **one** working day prior to the hearing. A member of the HR department will also be in attendance to provide advice and guidance. A note taker may also be present.

At the hearing, the individual will have the opportunity to outline their reasons for appealing. The appeal chair will investigate all matters before confirming their decision in writing. The decision will normally be given within **10** working days of the appeal hearing. Where there are numerous clarifications to be made the appeal chair may specify a longer timeframe.

This decision is final and there is no further right of appeal.

## Postponement/ failure to attend a formal hearing

If an employee or their representative is unable to attend a formal meeting for good reason, the employee should inform the HR department as soon as possible and the hearing will be postponed. In order to deal with the grievance fairly and promptly a new date will be arranged, in consultation with the employee, within a reasonable period of the original hearing.

The new hearing should be rearranged within a reasonable period of the original hearing. Further cancellations may result in the hearing being held in the employee's, or their representative's, absence and a decision being made on the evidence available.

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<sup>2</sup> Another manager who has not previously been involved with the formal process will be assigned to this role. The appeal manager will consider the appeal and decide whether the grounds for appeal are upheld. The appeal chair will be appointed by the HR department.

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Where an employee is unable to attend a formal hearing due to illness a medical certificate will be required. Where an employee is on sick leave, a date will usually be proposed that is after their sick leave is due to end. For employees on long-term sick leave, a mutually agreeable date will be sought.

## Organisational learning

An outcome letter may include recommended actions expected from either the staff member, the line manager, and/or a department/the wider organisation. These will be communicated by the HR department to the relevant individuals with a deadline for the action to be implemented. The HR department will keep a record of the required actions and will follow up as appropriate to ensure that these recommendations have been implemented. Relevant individuals will be expected to confirm in writing that the recommendation has been actioned and this recorded by the HR department.

## Overlapping grievance and disciplinary cases

If an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. In some cases, it may be more appropriate to deal with the two issues at the same time. Further advice can be obtained from the HR department.

## Malicious grievances

While we encourage employees to use the grievance policy and procedure to resolve genuine issues, any instances involving mischievous or malicious grievances, that are unfounded or unsubstantiated, will be treated seriously and may result in disciplinary action being taken.

## Post-employment

Where an employee leaves THT and submits written concerns to their manager, another manager or the HR department, THT will consider the best way to address the issue. The employee will be informed of any process that applies.

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## Additional support and information

We recognise that some people will find participating in a grievance process difficult and we encourage those who need support to ask for help at any time. Employees can contact the Employee Assistance Programme (EAP) for free, confidential and independent advice on 0117 934 2121 quoting reference number TT8/ 6702660

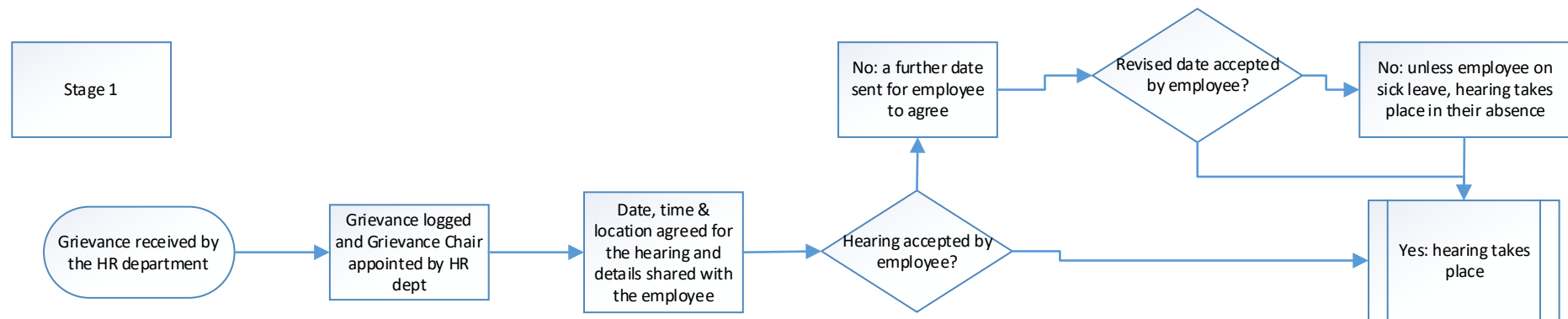
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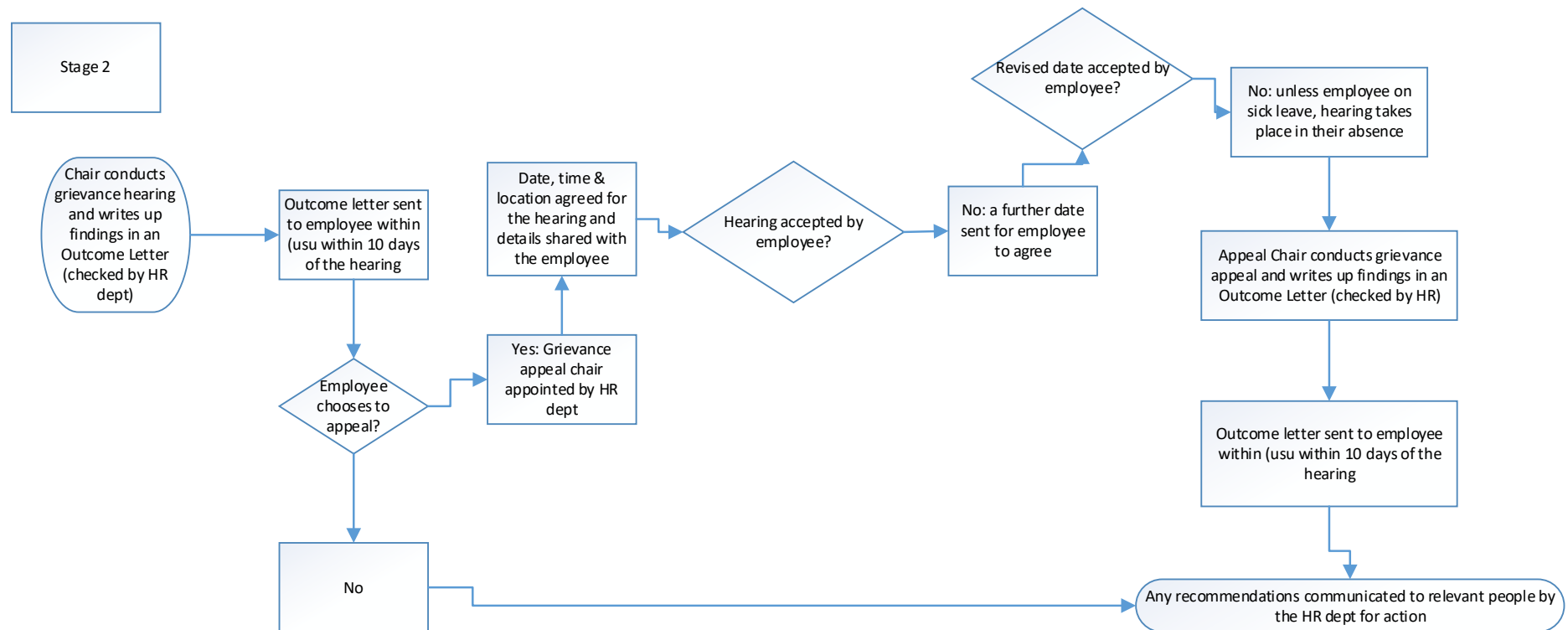
## Appendix A – Grievance procedure flowchart



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## Terrence Higgins Trust

This form should be completed where an employee wishes to raise a formal grievance. If an employee is unsure whether to pursue the informal or formal route, they should speak with the HR department, Staff Forum representative or trade union representative for support and guidance.

This completed form should be emailed to the Director of People and Corporate Services.

Your details	
Name:	
Job title:	
Department:	
Directorate:	
Date:	
Contact details:	<b>Email</b>  <b>Direct line:</b>  <b>Mobile:</b>
Do your concerns relate to your manager?	Yes/No

Summary of your concerns
Please set out the details of your concerns (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). Please attach additional pages as required:

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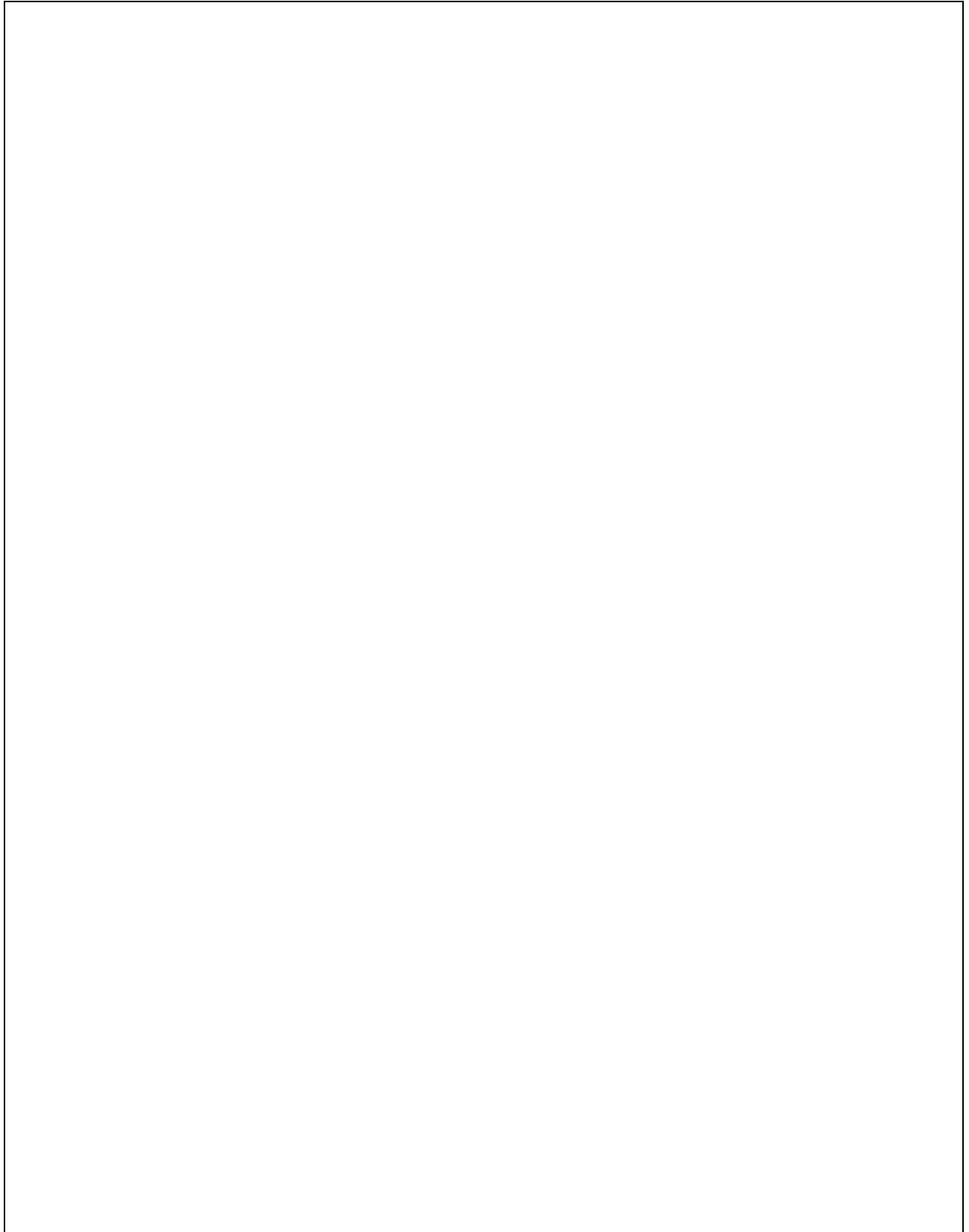
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### Informal resolution

Have you tried to resolve your concerns informally? If you have please give details. If you haven't please explain why you feel this is not appropriate in the circumstances:

If you have not tried to resolve things informally, would you like to try that before it becomes formal?

### Individuals involved in the alleged incident/concerns

Please provide the names and contact details of any people involved, including witnesses and state why they are relevant:

### Supporting documents

Please list and attach any documents that you feel support your concerns:

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### Outcome requested

Please set out what outcome you are hoping for and why you believe that this will resolve the issue:

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### Signature

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me.

**Form completed by:**

**Signature:**