



The Deltic Group

Grievance

Procedure

(This does not form part of your contract of employment)

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Grievance Procedure

Introduction

The company is always prepared to listen to any grievance concerning an employee at work and will, if necessary, take prompt and fair action to rectify the situation. Wherever possible the problem should be dealt with locally and informally but the principle behind the procedure is that all employees will have the opportunity of having their grievance considered in accordance with the ACAS Code of Practice 1 ("the Code").

All employees are required to maintain acceptable standards of performance and conduct whilst at work. However, there may be times when employees wish to raise various issues related to their employment or the behaviour and conduct of their colleagues.

Management are responsible for ensuring that all employees are fully aware of the standards of behaviour and conduct that is acceptable and in cases of a complaint or grievance being raised by an employee, Management is responsible for following the Grievance Procedure.

Equally, all employees should undertake their duties in a responsible manner and familiarise themselves with the rules and procedures that are applicable to their employment including this Grievance Procedure. If an employee has a grievance relating to his or her work, s/ he should follow the Grievance Procedure.

Purpose

The purpose of this Grievance Procedure is to provide employees with a framework within which grievances regarding work may be resolved, to help ensure that problems are identified and responded to in a clear, orderly and fair manner. The procedure itself cannot guarantee the resolution of a particular grievance, as this is dependent upon all concerned parties adopting reasonable attitudes to the grievance raised.

Representation

At each stage of the formal Grievance process, though not normally at any informal meeting unless an employee requires, an individual has the statutory right to be accompanied by an authorised person known as a representative as defined by current employment legislation and outlined below. The chosen representative has a right to address the hearing and ask questions but no right to answer questions on the employee's behalf. The ACAS Code of Practice on Disciplinary and Grievance Procedures, specifically states that "in making their choice of representative, workers should bear in mind that it would not be appropriate to insist on being accompanied by a colleague whose presence would prejudice the hearing, or who might have a conflict of interest." Therefore, if a representative is connected with the case in some way, it is advisable that an alternative representative be chosen. In certain circumstances it might not be possible for a chosen representative to be in attendance for instance if they are on holiday or on sick leave. Further guidance should be obtained from the HR Department at the appropriate time.

If an employee wishes to be accompanied at the meeting, they must inform the designated Manager in advance of the name of the person nominated as a representative and every effort will be made to ensure an employee's chosen representative is available to attend. But as set out above, there may be circumstances when this is not possible and at that point the HR Department will advise.

Other than authorised and qualified trade union officials, external parties are not permitted to participate at any stage of the procedure; this includes members of the legal profession, friends or family of an employee.

Authorised Representative

1. Fellow worker, i.e. a worker or employee of the employer's current workforce;
2. A full time official, employed by a trade union or a lay trade union official, so long as they have been reasonably certified in writing by their Union as having experience of, or as having received training in, acting as an employee or worker's representative at disciplinary or grievance hearings. Such certification may take the form of a card or letter and certification will be required as proof of their suitability to represent at grievance hearings.

(ACAS Code of Practice, August 2000)

Stages of the Grievance Procedure

Stage 1

As a first step, the employee should raise the grievance informally with their Line Manager or an alternative Manager of equal standing if the grievance is concerning the employee's Line Manager. Most grievances will be resolved at this stage and if not then an employee is entitled to go to Stage 2 of the Grievance Procedure.

Stage 2

Failing resolution at Stage 1, the employee should submit full written reasons setting out their grievance providing as much information as they have in their possession and ensure that their Line Manager receives this within 7 days of their informal meeting where possible. If the grievance concerns the Employee's Line Manager then it should be handed to a Manager of equal standing. A grievance hearing will then be organised and every endeavour will be made to hold this meeting within fourteen days of receipt of the full written reasons of grievance. The employee will be notified in writing of the grievance hearing including its time, date and venue and will be given at least two days' notice of the hearing and will be invited to attend with a qualified trade union representative or work colleague of their choice. Where possible the Manager appointed to hear the grievance will be at the next level of management to the Line Manager who considered the grievance informally.

Stage 3

If the employee is dissatisfied with the stage 2 decision the employee should submit an appeal giving full written reasons of why they are appealing the stage 2 decision within seven days of receipt of the stage 2 written decision. The Stage 3 appeal hearing will normally take place within fourteen days of receiving the written appeal. The appeal hearing will be held by a Manager of the next level of Management who heard the stage 2 hearing where possible. The employee will be notified in writing of the stage 3 appeal hearing including its time, date and venue and will be given at least two days' notice of the hearing and will be invited to attend with a qualified trade union representative or work colleague of their choice. If it is not possible to arrange a hearing within 14 days of receipt of the employee's written appeal, the employee should be given an explanation for the delay and advised when the appeal hearing is likely to take place.

Decisions

At the end of Stage 2 and 3, the employee will be notified in writing of the outcome of the grievance as soon as practically possible. In normal circumstances, this shall usually be within 14 days of the date of *the* grievance hearing. The appeal hearing and decision at Stage 3 represents the final stage in procedure, and the decision of the senior manager appointed by the Company shall be final.

Record of Proceedings

The Company will be responsible for maintaining written records, including the conclusions reached, at each procedural stage. Details of the recorded conclusions must accurately reflect the opinions of all parties involved.

Grievances Relating to Business Malpractice

Where an employee has a grievance that relates to allegations of business malpractice, they should raise the grievance in the first instance with a more senior manager. In such cases, it is likely that further investigation will be necessary and the employee may be required to attend an investigative or disciplinary hearing as a witness. Appropriate steps will be taken to ensure that the employee's working environment and/or working relationships are not prejudiced by the fact of any disclosure providing it is made genuinely and in good faith. It is likely that that this type of grievance will be covered by The Deltic Group's 'Whistle Blowing Procedure' set out in the Staff Handbook.

Grievances or Whistle Blowing Not Made in Good Faith

Whilst it is recognised that in the majority of cases an employee who raises a grievance about their employment or any perceived business malpractice are genuine and in good faith. If for any reason an employee raises a grievance that is not genuine or in good faith for instance if the aim is to cause a fellow colleague to be subject to disciplinary procedure, maliciously, then the employee raising the grievance will be subject to disciplinary procedure and their job could be at risk.