

# Grievance Policy

## Purpose

SOS Homecare recognises that from time-to-time employees may wish to seek remedy for grievances relating to their employment. SOS Homecare believes that all employees should be treated fairly and with respect. This policy exists to ensure that grievances will be dealt with, fairly and without unreasonable delay, and that an effective conclusion will be reached. Where appropriate, the Company will always seek to resolve grievances informally in the first instance.

The company aims to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome and give you the right of appeal if you are not satisfied. This Policy is not contractual. The company may vary or amend this Policy at its discretion and may apply it as far as practicable in the circumstances.

This Policy applies to all employees.

## Accountabilities

Line Managers are responsible for:

- Ensuring they have a full understanding of this Policy;
- Explaining the company policy to employees, to promote awareness of the procedure for dealing with grievances;
- Listening to employees and actively resolving any complaint in a fair, timely and consistent manner;

The HR team are responsible for:

- Supporting the process and advising Line Managers where appropriate;
- Raising Line Manager awareness of this Policy and promoting best practice;
- Ensuring a formal grievance meeting is held, if it is appropriate.

Employees are responsible for:

- Adhering to the principles of this policy;
- Complying with the company's Equal Opportunity policy;
- Making all reasonable attempts to attend grievance meetings;
- Communicating with their Line Manager if they wish to lodge a grievance about an aspect of their work.

## Our Policy

SOS Homecare's Policy is to encourage open communication between employees and Managers to ensure that questions and problems arising during employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

It is a general principle that grievances are best resolved informally and as close to the point of origin as possible. However, where attempts to resolve the matter informally are unsuccessful it may be appropriate to raise a formal grievance under this procedure.

Formal grievances must be set out in writing and emailed to the HR Advisor, [Kellybenyon@soshomecare.co.uk](mailto:Kellybenyon@soshomecare.co.uk). The HR Advisor will review the grievance and determine who is best placed to deal with the matter. Grievances relating to the HR Advisor should be emailed to the HR Director, [charlottetaylor@soshomecare.co.uk](mailto:charlottetaylor@soshomecare.co.uk) who will determine who is best placed to deal with the matter. A complaint should normally be made within a reasonable amount of time, preferably within 1 month of the date on which the matter, which is the subject of the complaint, occurred or came to the employee's attention.

If a complaint relates to bullying or harassment on the part of a colleague, we will refer you to the company's Anti-Bullying Policy for further details in this regard. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the company's Disciplinary Policy.

Individuals should feel sufficiently confident to raise grievances and will not be victimised for bringing a complaint or acting as a witness. If anybody does victimise an employee or a witness, they may be subject to disciplinary action. Anyone bringing a false grievance or one that is subsequently found to be malicious may be subject to disciplinary action.

We operate a separate Whistleblowing Policy to enable employees to report alleged illegal activities, wrongdoing, or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Policy. Complaints about any disciplinary action will be dealt with as an appeal under the Disciplinary Policy. Grievances raised during disciplinary proceedings should be referred to the HR Advisor.

### **Accessibility**

If any aspect of the Grievance Policy causes the employee difficulty on account of any disability, or if the employee needs assistance because English is not their first language, they should raise this issue with the HR Advisor (or HR Director if the grievance relates to the HR Advisor).

### **Conducting the grievance procedure**

The Company recognises 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 fairly and with respect. The Company 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 company's Disciplinary Policy.

### **Confidentiality**

The Company's aim is to deal with grievances sensitively and with due respect for the individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this Grievance Policy.

### **The right to be accompanied**

Employees have the right to be accompanied by a Trade Union official at any grievance meeting or subsequent appeal, where they are a member of a union or by a fellow worker. The Trade Union official need not be an employee of the Company. The choice of companion is a matter for the employee, but the company reserves the right to refuse to accept a companion whose presence would undermine the grievance process. Please note that individual workers are not obliged to agree to accompany an employee.

At any hearing or appeal meeting, the employees chosen companion will be allowed to address the meeting, put and sum up the case, convey the employee's views and confer with the employee during the hearing or appeal meeting. The employee's companion does not however, have the right to answer questions on behalf of the employee. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the employee can propose an alternative time within 5 working days of the scheduled date.

We understand that the process can be stressful and therefore should you require any emotional support, then you can request this to the chair of the hearing in writing prior to the meeting taking place. This will then be assessed whether it is appropriate, and a response will be given back. This is at the discretion of the chair of the hearing.

### **Record Keeping**

Records will be kept detailing the nature of the grievance raised; the response; the action taken; the reasons for action taken; whether there was an appeal and, if so, the outcome. Responsibility for this lies with the person hearing the initial grievance or appeal. Copies of the meeting records and letters will be placed on the employees file and a copy will be given to the employee. However, in exceptional circumstances, for example to protect confidentiality of a witness, the Company may withhold certain information. In these cases, advice should be sought from the HR Advisor.

### **Informal Grievance procedure**

Employees are encouraged to resolve any grievance situation informally. This should be done by talking directly, politely and objectively to the relevant Line Manager. If this approach is inappropriate or unsatisfactory and does not resolve the grievance informally, employees should follow the formal procedure.

### **Formal Grievance procedure**

#### ***Making the grievance***

To start the formal grievance procedure the employee should put their complaint in writing. This written statement will form the basis of any subsequent hearing and investigations, so it is important to set out clearly the nature of the grievance and indicate the outcome that they are seeking. The written grievance should contain any relevant facts and dates and names of individuals involved. If a grievance is unclear, the employee may be asked to clarify their grievance. The employee's grievance should be sent to the HR Advisor [kellybenyon@soshomecare.co.uk](mailto:kellybenyon@soshomecare.co.uk), who will then determine who is best placed to deal with it. Grievances relating to the HR Advisor should be emailed to the HR Director

[charlottetaylor@soshomecare.co.uk](mailto:charlottetaylor@soshomecare.co.uk) who will determine who is best placed to deal with the matter.

### **The grievance hearing**

The hearing will be held as soon as is reasonably practicable and usually within 7 days of the receipt of the employee's written grievance. It will be conducted by the person selected by the HR Advisor. At the meeting the employee will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter. If the employee does not attend the meeting without good cause or reason, then we will either hold the meeting and look into your concerns in your absence or assume you no longer wish to raise a formal grievance.

While the employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their grievance. Focusing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of their grievance. The individual conducting the meeting will intervene if they think that the discussion is straying too far from the key issue. They may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the grievance.

After the grievance hearing, the individual conducting the matter will fully investigate the issues raised, gathering evidence and speaking with witnesses as necessary.

If the person conducting the investigation requires further information from the employee, they may ask for a further meeting with the employee.

As soon as reasonably practicable, usually within 7 days, after completion of the investigation, the employee will be informed in writing of the outcome and any action that the Company proposes to take because of their complaint. The employee may discuss this outcome informally with the HR Advisor. If the employee is dissatisfied with the outcome, they may make a formal appeal.

### **Appeal**

Employees who wish to appeal should do so in writing to the person identified on the outcome letter who will determine who is best placed to hear their appeal. The employee should clearly state the grounds of their appeal, i.e. the basis on which it is believed that the outcome of the grievance was unsatisfactory or that the action taken as a result was inappropriate. This should be done within 7 days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place, usually within 7 days, of the submission of their formal appeal.

If the employee does not attend the meeting without good cause or reason, then we will either hold the meeting and look into your concerns in your absence, or assume you no longer wish to appeal.

The appeal meeting will be conducted by a Manager or Director who has not previously been involved with the case and if appropriate a second Manager/Director. The appeal

panel will consider the grounds that the employee has put forward and assess whether the conclusion reached in the original grievance meeting was appropriate. The appeal is not a rehearing of the original grievance; instead, it is a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance. The Manager conducting the appeal may therefore confine discussion to the specific areas raised in the appeal letter and is not required to reconsider the whole matter afresh. Following the appeal meeting, the employee will be informed of the outcome, usually within 5 working days in writing. The outcome of this meeting will be final.

#### **Procedure for employees who have left the Company**

The Company is not required to deal with grievances made by ex-employees. However, there may be some circumstances whereby the Company will consider investigating a grievance provided it is submitted in writing within a reasonable amount of time, preferably within 1 week of the date of leaving and sent to the HR Advisor, [kellybenyon@soshomecare.co.uk](mailto:kellybenyon@soshomecare.co.uk).

#### **Policy Review**

This policy will be reviewed every two years.