

Dementia Active Community Interest Company Grievance Procedure for employees and volunteers

1. Dementia Active Community Interest Company (CIC) is committed to dealing with employee grievances fairly, consistently and without unreasonable delay. This is a non-contractual policy and procedure and can be changed by the employer (Dementia Active CIC) at any time. If an employee has any queries about this policy and procedure, they should contact their supervisor. Volunteers should speak to the group leader of the group which they normally assist in who will then refer the query to their supervisor.

Primary Principles:

2. The grievance procedure is intended as the tool by which a member of staff or volunteer may formally make a complaint regarding any work related matters, to the management of Dementia Active CIC. It also defines the way in which the complaint will be dealt with by Dementia Active CIC. The aggrieved employee has the right to representation by a trade union representative or a work colleague (see section 16), likewise a volunteer may engage the support of another Dementia Active volunteer.
3. Employees will not be subjected to a detriment for raising a grievance in good faith, even if the grievance is not upheld. However, the employee should not use this policy to dispute a disciplinary or dismissal decision. The correct policy for this can be obtained from the supervisor. Also, if an employee deliberately gives false information, is dishonest or makes a false complaint during the grievance process, this may lead to disciplinary action by the Employer.
4. Employees will not normally be suspended during the grievance process, but the employer reserves the right to suspend if in the employer's discretion, this is helpful and reasonable. Employees will continue to receive their normal pay and benefits.
5. The employer processes personal data collected during informal discussions and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal discussions and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the grievance or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the employer's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the employer's disciplinary procedure.
6. Grievances will be dealt with confidentially so far as is reasonably possible and employees must keep information learnt during this process confidential.
7. In the event of a member of staff wishing to raise a grievance, it is preferable for this to be satisfactorily resolved informally between the individual and their supervisor. It is understood however that this is not always possible and that a formal procedure may be required to ensure the swift and fair resolution of any matter which may aggrieve a Dementia Active employee or volunteer.
8. Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended by agreement.

Stages of the Procedure

Stage 1

9. Dementia Active wishes to promote communication between employees and so wherever possible, the employee should try to resolve any grievance at work by firstly talking about it informally with their supervisor to try and agree a solution. This should happen either immediately or as soon as possible after the occurrence - either verbally or in writing. If the matter itself concerns their supervisor then the grievance should be taken to the Chair of the Board of Directors.
10. Where a grievance is raised against the Chair of Directors then the grievance will automatically move to stage 3.
11. If the supervisor is unable to resolve the matter at that time then a formal written grievance form should be submitted (see appendix 1). The supervisor should then respond within **2 working days** (i.e. their normal working days) to the grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the supervisor's decision and who to appeal to if this does not resolve the grievance.
12. If the employer thinks that an investigatory interview would be helpful at any stage during the grievance process before a formal meeting is held or continued, the employer may take statements from the employee or witnesses or review documents at the employer's discretion. No decision will be taken until after a grievance hearing has been held. An employee does not normally have the right to bring a companion to an investigatory interview. However, the employer may allow the employee to bring a companion in its absolute discretion.

Stage 2 Grievance Meeting

13. In most instances, Dementia Active would expect the supervisor's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision.
14. The appeal, to the Chair of the board of Directors, must be made within ten working days of the original response to the employee's grievance. The appeal must be in writing (see appendix 2) and contain the original formal grievance form. The Chair of Directors will respond in writing within **5 working days**, inviting the employee or volunteer to attend a meeting in which their grievance can be discussed and resolved.
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 15. The employee's choice of companion will be agreed to if the companion is either a colleague, a trade union official or a trade union representative (which if not an employed official, must be certified by their union as competent to accompany a worker) and under the circumstances the employee has made a reasonable request to be accompanied. The employee should advise Dementia Active of the identity of the companion (or any change in their choice of companion) and whether they will require any special adjustments to be made for their or their companion's attendance, at least 24 hours before the start of the meeting.
 - a. The role of the companion in a formal meeting is to make notes, confer with the employee and if the employee requests it, to address the hearing to state the employee's case and respond to any views expressed at the meeting. The companion does not have the right to answer questions or address the hearing if the employee does not request this and must not prevent the employer from explaining its case.
 - b. If an employee or their companion is unable to attend the meeting at the time, date and place specified by the employer, they must notify the chair of the meeting as soon as possible in writing. Except in the case of an emergency, this should be at least 24 hours before the start of the meeting and the employee should advise of a time when they

and their choice of companion will be available within five working days of the original proposed meeting and provided this is reasonable, the new meeting time will be agreed.

- c. Employees must make every effort to attend any scheduled meeting under this procedure. If you are unable to attend more than two scheduled meetings, the employer reserves the right to make a decision about your grievance using available evidence but in your absence.
- d. If the employer or employee will be referring to any documentation during the formal meeting, this should be sent to the other party at least 24 hours before the start of the meeting, so that they have a reasonable chance to prepare.
- e. The employer may in its absolute discretion adjourn a meeting to carry out further investigations, after which the meeting will usually reconvene.
- f. After the meeting the Chair will give the employee a decision in writing, normally within 24 hours.

Stage 3 Appeal

- 16. If the employee remains aggrieved there will be a final level of appeal to a nominated trustee on the board of the Dementia Active Charity. This appeal must be made in writing (see appendix 3), enclosing a copy of the original Formal Grievance form, to the trustee within five working days of receipt of the Stage 2 response. The employee must explain why they disagree with the decision. This trustee will arrange an appeal meeting within 10 working days of receiving the appeal letter. The employee has the same rights to be supported in the meeting as defined in section 15
- 17. After the meeting the employee will be given a decision, normally within 24 hours. The employer's decision is final and there is no further right to appeal. However if **both** parties agree that there would be some merit in referring the matter to ACAS (the Advisory, Conciliation and Arbitration Service) for advice, conciliation or arbitration, arrangements can be made.

Using mediation

- 18. An independent third party or mediator can sometimes help resolve grievance issues before it is necessary to invoke the formal procedure. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. 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.
- 19. There are no hard-and-fast rules for when mediation is appropriate but it can be used:
 - a. for conflict involving colleagues of a similar job or grade, or between a line manager and their staff
 - b. at any stage in the conflict as long as any ongoing formal procedures are put in abeyance
 - c. to rebuild relationships after a formal dispute has been resolved
 - d. to address a range of issues, including relationship breakdown, personality clashes, communication problems and bullying and harassment.
- 20. Mediation is not part of Dementia Active's formal grievance procedure. However, if both parties agree to mediation, then the grievance procedure can be suspended in an attempt to resolve the grievance through that route. If mediation is not successful, then the grievance procedure can be re-commenced.

Appendix 1

Notification of a Formal Grievance

To (Supervisor):.....

From:.....

Date:.....

Dear

I wish to take a formal grievance out against:

in line with the Company Grievance Procedure. The details of my grievance are shown below:

Yours sincerely,

(The supervisor should respond to this formal written grievance within 2 working days (their normal working week) unless an extended period for response is mutually agreed)

Appendix 2

Notification of a Stage 2 Grievance

To (Chair of the Board of Directors).....

From.....

Date.....

Dear

On.....(within 10 days of the response to the initial formal grievance) my grievance against..... was heard by.....

I am not satisfied with the outcome and would like to appeal to yourself for a further hearing of my grievance, in line with Dementia Active's CIC Grievance Procedure Policy.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(The Chair should respond to this formal written grievance within 5 working days unless an extended period for response is mutually agreed)

Appendix 3

Notification of a Stage 3 Grievance

To (the appointed Dementia Active Charity Trustee) :.....

From:.....

Date:.....

Dear

On..... (within 10 days of the response to the second stage of the formal grievance) I appealed to..... against the decision made at my initial grievance against.....

I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my grievance, in line with Dementia Active's Grievance Procedure Policy.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(The trustee should respond to this formal written grievance within 10 working days unless an extended period for response is mutually agreed)