

Model grievance procedure for a co-operative

1. Introduction

The purpose of a grievance procedure is to enable employees to raise grievances relating to their employment in order to seek satisfactory solutions and to enable the employer to try to resolve grievances as quickly as possible in a timely fashion. The aim is also to ensure that the co-operative's services are maintained and effective while all staff are treated fairly and equitably.

This procedure deals with individuals as employees of the co-operative and in this instance it is important to distinguish between the role of an employee and that of a member of the co-operative. A separate policy should be drawn up that deals with breaches of a co-operative's membership agreement.

It is essential to have grievance procedures written down so that everyone is clear about what is required. All new employees should receive a copy or know where they can get a copy of the procedures within 8 weeks of starting their employment.

This grievance procedure does not need to be part of the contract of employment, which makes it easier to change it over time according to the needs of the co-operative. However, it is important to refer to the existence of this procedure and where a copy can be obtained – if not attached as an appendix to the contract.

Grievance procedures should be regularly reviewed to make sure they are relevant and effective and for the governing body and managers to receive training on how the procedures should be followed. Employers should comply with the ACAS Code of Practice for grievance procedures which can be downloaded from www.acas.org.uk/dgcode2009 failing to comply with these procedures could result in the employer having to pay an increased award at an employment tribunal.

2. General Principles

- Employers and employees should deal with issues promptly and consistently, and employers should carry out any necessary investigations.
- The employee should have the opportunity to put their case
- The employee should have an opportunity to appeal against the decision
- The employee should have the right to be accompanied at any formal meeting if they wish.
- Grievances should be kept confidential as far as possible (as far as is allowed by the need to carry out a full and thorough investigation).

3. The procedure

Grievances, or problems relating to work, are sensitive issues and it is preferable to try and resolve these as quickly and informally as possible. Employees are therefore encouraged to discuss all matters openly with their line manager as they occur. The aim is to resolve routine grievances in this informal manner. There will, however, be occasions when it is necessary, or more appropriate to use a more formal procedure.

The co-operative, in general meeting, may establish a grievance panel to oversee the grievance procedure. Where a grievance panel is appointed:

- It should be comprised of at least three persons, two of which should be members of the co-operative, one of which should be appointed to act as the contact for the employee raising the grievance.
- Its members shall service for a period of one year, after which they should stand down for a period of one year before being eligible for re-appointment.
- If any member of the panel is unable to carry out their role (eg) because of their involvement in a specific grievance then the co-operative's governing body should appoint one of their number to take their place.

a. Raise the grievance in writing

The employee should raise a grievance in writing with their line manager without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.

If the grievance is against the line manager, the matter should be raised with [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person]. Whoever deals with the grievance at a grievance meeting will normally be excluded from hearing any appeal.

The employee must detail in writing the specific circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable.

b. Invitation to a Grievance Meeting

The [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] will invite the employee to attend a meeting, without unavoidable delay to discuss the matter. The invitation should also state that the employee is entitled to be accompanied by a trade union representative or work colleague at the meeting. You should also consider whether any reasonable adjustments are required for disabled employees, such as allowing a support worker or sign language interpreter to attend the meeting.

c. Grievance Meeting

The line manager [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] will introduce the meeting, read out the grounds for the employee's grievance, ask the employee if they are correct and require the employee to provide clarification regarding the details of the grievance if unclear.

The employee will be given the opportunity to put forward their case and say how they would like to see it resolved. The employee may call witnesses and refer to any documents previously provided to [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person].

The line manager [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] may question the employee and any of the employee's witnesses.

The meeting should be adjourned by the [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] in order for them to undertake an investigation into the employee's complaints. The investigation should be full and thorough in order to determine, as far as possible, the facts of the case and to allow the manager hearing the grievance to come to a decision. Where necessary, the meeting will be reconvened to allow the [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] to put further questions to the employee.

Having considered the grievance the [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] will give their decision regarding the case in writing to the employee which will normally be within five working days. The decision will set out what action is being taken to address to grievance and will notify the employee of their right of appeal and the procedure to be followed if they choose to do so.

d. Appeal

If still unresolved, the employee may refer the matter, in writing to [Chief Executive] [Chair or the Board] [named person on the grievance panel] [insert name of designated person] or if one of these persons has already been involved in an earlier stage of the procedure to another named person stating if they wish the appeal to be:

- i.** Referred to a general meeting; or
- ii.** An Appeal panel.

If an appeal is referred to a general meeting, the co-operative must call a general meeting in accordance with its governing document to hear the appeal of the employee. Those persons involved in the earlier stages of the procedure who are also members of the co-operative may not attend the general meeting called to hear the appeal. The meeting may be adjourned if it is considered necessary to undertake further investigation. When adjourning a meeting the chair of the meeting must specify the date, time and place to which it will stand adjourned. A decision on the appeal should be agreed by consensus, or where this is not possible by a special majority of the members voting in favour of the decision at the general meeting. The decision of the general meeting is final. If, the general meeting is not quorate, then the appeal must be referred to an appeals panel.

If an appeal is referred to an appeals panel, it must be held as soon as reasonably practicable after receiving the appeal application. Those persons involved in the earlier stages of the procedure may not form part of the appeals panel. The appeals panel should investigate the application and advise the employee of its decision, in writing, giving full reasons as soon as is reasonably practicable after the decision is made. The decision of the appeals panel is final.

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