

OUTWEST

Grievance Policy and Procedure

Effective from 1st February 2010

Approved on 30th January 2010, Eastbourne

Grievance Policy

1. Introduction

OutWest aims to ensure positive relationships between all members and encourages an environment whereby any problems or issues can be addressed and resolved informally and quickly. Should this not be possible, then procedures exist to help resolve grievances as quickly as possible with consistency and fairness.

OutWest will ensure that members are made aware of the most recent version of this policy and procedure, and any subsequent amendments.

2. Policy Statement

It is important that all members are treated as individuals, with needs and expectations, and these are balanced together with the needs and objectives of the charity, and in line with charity law. It is expected that problems and concerns are dealt with promptly, openly and fairly.

This Grievance Policy and Procedure provides the framework for dealing promptly and fairly with a problem or concern. When dealing with a formal grievance, trustees must endeavour to understand the reason for the grievance, with both trustees and/or members having a shared responsibility in identifying solutions to the problem or concern and in line with OutWest's constitution.

Following appropriate consideration and the application of a fair process, a grievance should usually be concluded within 28 days. Any solutions, recommendations or actions should be implemented as soon as is practicable.

3. Requirements

- All members are requested to act within the boundaries of the OutWest Constitution and the OutWest Code of Conduct.
- Members and Trustees should carry out their role (if they have one in the organisation) in a manner which will assist in preventing the likelihood of a grievance arising.
- Complaints must be raised as soon as possible, but certainly within 28 calendar days of the incident occurring.
- OutWest will ensure that all documentation will be treated as strictly confidential and that all records will be held securely. Access to information will be limited to appropriate people and following OutWest's Data Management Policy.

- If it is established that the member has raised a false, spurious or vexatious grievance then action may be taken against the complainant.

4 Responsibilities

It is requested that all members should:

- Comply with the arrangements set out in this policy and procedure
- Aim to resolve all personal grievances informally with the trustees or with the individual to whom the grievance relates. This allows for problems to be resolved quickly between those concerned. Trustees are prepared to facilitate such resolutions.
- Ensure that any concern is raised early so that the matter does not become more serious. For this reason, if the informal approach does not bring resolution, or is not considered appropriate, the grievance should be raised in writing as soon as possible, (as detailed in the procedure) and within 28 calendar days from the matter arising. Any delay in raising the grievance may affect the extent to which the matter can be investigated and resolved satisfactorily.
- Respect confidentiality and to respect any potential damage to the charity and its reputation.

The Trustees should:

- ensure that problems and concerns that are raised informally by members are addressed promptly and resolved where possible
- seek to acknowledge the cause of the concern and where relevant to take appropriate action to prevent the matter arising again
- ensure that any formal grievance raised is dealt with promptly, fairly and frankly, in accordance with this policy and procedure.

Grievance Procedure

1. Informal Approach

It is vital that any concerns are resolved as soon as possible and once a grievance has been raised in writing the formal procedure should be the way of addressing the matter. Before commencing the formal procedure the trustee receiving the grievance may seek clarification from the member that they want the matter addressed through the formal process.

If at this stage the member would prefer that the matter be dealt with through informal discussion, mediation or a facilitated meeting then this will be confirmed in writing.

2. Formal Procedure

If the member wants to follow the formal process, or the trustees are unable to address the matter informally, then the steps below should be followed:

2.1 Registering the grievance

- Any member who wishes to raise a grievance should submit the matter in writing to either of the Co-Chairs or Secretary
- Members are actively encouraged to set out the details of the grievance, attaching any relevant documentation. When the member is aware of the

outcome they require or can identify anything that may help resolve their concern this should be included within the written grievance.

- The trustee receiving the grievance should acknowledge receipt of the grievance and inform a Panel consisting of one of the Co-Chairs, the Secretary and another Trustee so that they can provide advice and guidance to both parties, as appropriate, to help resolve the matter.
- If the grievance relates to another member the panel will need to inform them of the basis of the grievance. In the case of the grievance relating to a Trustee, the panel will need to decide whether a brief period of suspension is required. In this situation the Panel will need to inform the other Trustees and they may need to make this decision at a meeting of the Trustees. Constitutional rules regarding conflict of interest would apply.

2.2 Convening a resolution meeting

- The purpose of this meeting is to enable the panel to fully understand the grievance and consider how it can be resolved.
- Where practicable, the invitation to the meeting should be made within 7 calendar days of receiving the grievance.
- The invitation to the meeting should give the member 7 calendar days notice and inform the members involved of the choice to attend the meeting in person or enter a written submission.
- If either of the members involved wish to attend in person, but however cannot attend due to circumstances outside their control and unforeseeable at the time the meeting was arranged, the member(s) can suggest an alternative time and date, so long as it is reasonable and it is not more than 7 calendar days after the original date.
- The chair of the panel (to be decided by the Trustees) will seek to take all reasonable steps to arrange a suitable date within 7 calendar days of the original meeting date.

2.3 Attendance at the meeting

Attendance at the meeting will consist of:

- The Panel
- The members involved (if they wish to attend in person)
- A further trustee to act as note taker. A note taker may not be required to attend but full and meaningful notes will be taken. These will normally be issued to the member(s) within 3 working days. Any difference in relation to content of the notes will be kept on file.

2.4 Conduct of the meeting

At the meeting:

- the member(s), if attending, will be asked to explain their grievance and how they think, within reason, it might be resolved
- the Panel may ask questions to clarify matters
- the Panel may adjourn the meeting for a short time to consider the grievance and reach a conclusion, unless further investigation is required
- All attending the meeting would be requested to abide by OutWest's Code of Conduct.

2.5 Outcome

Following any necessary adjournments, the meeting will be re-convened for the panel to outline their conclusion(s).

At conclusion the Panel:

- Are required to outline their findings and where applicable, confirming the facts gathered from witnesses and other sources. The member(s) should be given the opportunity to respond to any of these points.
- Will then state their decision and the reasons for it along with any proposed solutions, recommendations or actions.
- Ensure that notes will be taken as outlined under 2.3
- The Panel is required to confirm their decision and the reasons for it in writing. Wherever possible, this should be done at the end of the meeting following the necessary adjournment.
- If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The member will have 7 calendar days to appeal, from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

3 Appeals

- Appeals must be submitted in writing, within 7 calendar days of the date of the resolution meeting, to the person specified by the Chair of the grievance meeting.
- The appeal must clearly state why the member is not satisfied with the outcome at the grievance meeting and what outcome they are seeking. The person receiving the appeal will need to acknowledge receipt.
- The appeal will be chaired by the alternative Co-Chair from the Co-chair who chaired the resolution meeting, or another nominated trustee.
- The appeal meeting will be arranged where practical within a maximum of 7 calendar days of receiving the request for an appeal. The same arrangements outlined for the resolution meeting apply regarding the right for the member to suggest a reasonable alternative date.

3.1 Appeal Meetings

- The alternative Co-Chair will review the information already available and make further enquiries as appropriate. If new information has come to light, further investigation may be necessary, however this should not delay the appeal meeting
- At the appeal meeting the member will be asked to explain the reason why they have appealed and the outcome they require or whether they can identify anything that may help resolve their concern.
- The same arrangements for the resolution meeting will apply.
- The Co-Chair chairing the appeal will confirm their decision as outlined in paragraph 2.5
- Attendance will be limited to the Co-Chair, member, and another trustee to act as note taker. A note taker may not be required to attend but full and meaningful notes will be taken. These will normally be issued to the member

within 3 working days. Any difference in relation to content of the notes will be kept on file.

4. General Meeting Resolution

In the event that the Resolution and/or Appeal Meetings have not resolved the grievance, the matter will then be referred to the next possible General Meeting.

- The Co-Chair chairing the meeting will outline the grievance case to date and why it has been brought to the meeting.
- The relevant members involved will be allowed to address the meeting (or enter a written submission)
- Questions (at the discretion of the meeting's Chair) may be asked to the involved parties.
- Resolutions will be sought from the meeting floor.
- Any resolutions will be put to a vote of the meeting. A simple majority vote will decide the resolution.
- The decision of the meeting shall be final and communicated in writing to all parties.

If any party is not satisfied with the result from the General Meeting, they are able to complain directly to the Charity Commission, who may seek to resolve the situation, or accept the will of the General Meeting.

5 Members who have left OutWest

If a grievance is raised by an member who has left OutWest within the last 30 days or, the grievance procedure will normally be modified and completed in writing (without Resolution or Appeal Meetings).