

# GRIEVANCE POLICY

## VERSION: 2.5



| Version | By Author | Reason  | Reviewed/ Modified | Date Ratified  |
|---------|-----------|---|--------------------|----------------|
| 2.3     | HB/TS     | Additional information & relevant legislation | May 2017           | September 2017 |
| 2.4     | HB/TS     | Clarity of roles within Make Some Noise       | April 2018         | June 2018      |
| 2.5     | HB/TS     | Add forms & Linked Policies                   | April 2019         | June 2019      |

**This policy applies to all members of the Make Some Noise team including Trustees, members of staff, volunteers and freelance workers contracted to Make Some Noise.**

### Introduction

The aim of this policy is to enable any member of the Make Some Noise team or Service User of Make Some Noise, who has a grievance, to pursue the matter in a fair, open and systematic manner.

It is a principle of this policy that grievances will be dealt with by all concerned as a priority.

Anyone who invokes this policy shall have the right to be represented and/or accompanied by their Trade Union Officer or any other person of their choice at all stages.

The policy is designed to deal with individual grievances arising directly out of the employment, or other involvement, with Make Some Noise.

The Make Some Noise Chief Executive Officer is required to inform employees, individual(s) or service users of the appropriate personnel who are authorised to deal with individual grievances after the initial involvement of their Line Manager, contract manager or project leader identified in Stage 1 below.

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## **GRIEVANCE POLICY**

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A grievance may be lodged in any circumstances where an individual feels that a case is to be answered by an individual representing Make Some Noise, or against the Board. However, potential complainants are advised that Make Some Noise has various procedures for dealing with complaints, and it may be that the grievance procedure is not the most appropriate to address your complaint.

Whistleblowing Policy – if your policy relates to possible malpractice, wrongdoing or illegal activities which you wish to report, the complaint should be made in accordance with the Make Some Noise Whistleblowing Policy. However, you may also raise the matter as a grievance under this procedure if you feel that you have been directly affected by the matter in question or believe you have been treated less favourably for raising the matter.

Disciplinary Policy – where you raise a grievance during Disciplinary or Capability procedures.

Bullying & Harassment Policy – if you feel you are being harassed or bullied then this Policy should be implemented initially

If the individual feels that Make Some Noise has failed to act accordingly under any of the above Policies, this Grievance Policy might be invoked appropriately.

### **Procedure**

#### **Informal resolution**

Before using the grievance procedure, it is expected that an individual(s) will try to resolve their complaint informally, if at all possible. Individual(s) should be able to resolve the majority of issues in this manner without recourse to invoking the formal procedure. The formal stages 1 - 3 of the procedure should only be used when the informal stage has failed to resolve the issue or is not making progress at reasonable speed.

#### **Stage 1**

Anyone who has a grievance must, in the first instance, refer the matter orally to his/her Line Manager, Freelance Coordinator/Project Manager or Senior Music Leader who will attempt to resolve the matter within two normal working days of receipt of the complaint. If the originator of the grievance does not feel they can approach their Line Manager, Freelance Coordinator/Project Manager or Senior Music leader then guidance can be sought from the Make Some Noise Administrator who will advise them where, within the management structure, the grievance should be placed by referring to the individual(s) Handbook.

The Line Manager, contract manager or project leader in receipt of the grievance must document the grievance discussed and the steps that they took to further its resolution. A copy of this documentation must be supplied to the Make Some Noise Chief Executive Officer.

### **Stage 2**

If the decision of the Line Manager, Freelance Coordinator/Project Manager or Senior Music leader is unacceptable to the originator of the grievance, then the matter must be put in writing by the originator and formally referred to the Make Some Noise Chief Executive Officer in order to progress the matter further.

If the grievance is directly against the Make Some Noise Chief Executive Officer then the originator of the grievance should address their grievance to the Chair of Make Some Noise.

If the grievance is directly against the Make Some Noise Chair then the originator of the grievance should address their grievance to the Company Secretary of Make Some Noise.

If the originator of the grievance does not feel that it is appropriate to submit their grievance to the above then they should address their grievance to any of the Make Some Noise Trustees.

The Chief Executive Officer, Senior Officer, Trustee, Company Secretary or Chair in receipt of the written grievance, will immediately acknowledge receipt of the grievance, set a date for the grievance to be heard and will then investigate the matter. This investigation will include formal interviews with the originator of the grievance, in order to reach a decision. The originator has an opportunity to state his/her case orally or in writing.

Interviews will be documented and that documentation will be made available to the originator and subject of the grievance along with the decision.

A decision will normally be given in writing by the Chief Executive Officer, Senior Officer, Trustee, Company Secretary or Chair in receipt of the written grievance as soon as possible, but not later than six normal working days (excluding weekends and Bank Holidays) from receipt of the written grievance unless a longer period is agreed by both parties.

### **Stage 3**

If the decision resulting from Stage 2 is unacceptable to the originator of the grievance, there is a right of appeal to the Appeals Panel of Make Some Noise, comprising of three or more Make Some Noise Trustees. The Appeal must be lodged in writing within fifteen normal working days (excluding weekends and Bank Holidays) of the date of the letter giving the decision by the Chief Executive Officer, Senior Officer, Trustee, Company Secretary or Chair, and should be addressed to the Chair of Make Some Noise enclosing a brief outline of the grievance.

The Chair will immediately acknowledge receipt of the Appeal and inform the Company Secretary of its receipt. It is the responsibility of the Make Some Noise Company Secretary to ensure that arrangements are made for the Appeal to take place.

## GRIEVANCE POLICY

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The Company Secretary will make arrangements with all concerned for the Appeal to be heard and notify all parties of the date of the Hearing. Papers will be dispatched fourteen normal working days (excluding weekends) before the date of the Appeal Hearing. Each party to the grievance will be entitled to attend the Appeals Panel and call witnesses as they think necessary to assist the Panel in its consideration of the grievance.

The Appeals Panel can require any information for clarification from any individual who they consider may assist. Both parties will supply The Appeals Panel with written statements stating their points of view, and these must be supplied to the Company Secretary at least seven normal working days (excluding weekends) prior to the meeting.

The Company Secretary will arrange for an exchange of papers to take place. Evidence, which has not been heard at Stages 1 and 2, will not be allowed at Appeal stage.

The introduction of new evidence at Appeal stage by either party will render the grievance being referred back to the appropriate stage of Grievance Procedure for reconsideration.

The proceedings of the Appeal Panel will be documented, and that documentation will be made available the originator and subject of the grievance along with the decision.

The Make Some Company Secretary will notify both parties in writing of the Appeal Panel's decision within two normal working days of the meeting and at the same time send a copy to the originator's nominated Trade Union or other representative if appropriate.

### **Arbitration**

If the decision of the Appeal Panel is unacceptable to the originator of the grievance then they may make an application for the grievance to be referred to an external and independent arbitrator. Both parties should agree the arbitrator. If both parties are unable to agree the services of ACAS will be engaged by default. The decision resulting from the arbitration process shall be considered final.

### **General**

After Stage 1, failure to agree at any stage will *require* the employee, participant or Trade Union representative to progress the grievance to the next stage of the procedure, unless the grievance is withdrawn by the employee.

- During the procedure time limits referred to can be altered provided that all parties agree
- This policy is applicable to any Chief Executive Officer, employee, freelancer and client. Once an employee or participant ceases to be engaged by, employed by, or involved with Make Some Noise they have a further 6 months within which to submit a grievance. After this time the process will be closed to them, unless an Appeal had been lodged before the employment ceased and resolution of the problems would still be relevant

## **GRIEVANCE POLICY**

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- Nothing in the policy disallows informal discussion, which may assist in a satisfactory resolution. However, any originator of a grievance is advised to maintain notes and any other appropriate records of such discussions
- This policy does not preclude the amalgamation of individual grievances, which are similar in nature for convenience at Appeal stage
- Nothing in this policy affects the right of the individual to take the matter to an employment tribunal, or to seek other legal redress.

### **Monitoring, reporting and review**

The Chief Executive Officer will ensure that Make Some Noise monitors the effectiveness of this policy through the collection and analysis of monitoring data using the tools featured in the following appendices. This data shall provide the basis of scheduled Grievance and Disciplinary Policy reports to the Board of Trustees and subsequent reviews of this policy.

### **RELEVANT LEGISLATION**

- Equality Act 2010
- Employment Act 2008

### **FORMS REFERRED TO IN THIS POLICY**

None

### **LINKED POLICIES**

- **Whistleblowing Policy**
- **Disciplinary Policy**
- **Bullying and Harassment Policy**

### **FURTHER INFORMATION**

- ACAS ([www.acas.org.uk](http://www.acas.org.uk))
- Citizen Advice ([www.citizenadvice.org.uk](http://www.citizenadvice.org.uk))
- [www.gov.uk](http://www.gov.uk)