

Section 3: Human Resources

36. Grievance Procedure

At **CHIGWELL AND HAINAULT SYNAGOGUE NURSERY** we follow our legal obligations as an employer at all times including hearing and investigating grievances. We have a policy and procedures that set out our process.

Grievance Policy and Procedure

It is our policy to encourage and empower an atmosphere of open and transparent communication between all employees at work. We want to ensure that all employees have access to a procedure to help them deal with any grievances relating to their employment fairly and without unreasonable delay. We believe that issues that arise in the workplace can for the most part be solved informally, should you have any issues please raise them with your manager. There may however be cases where you feel that your concerns have not been dealt with satisfactorily. In these situations you may use this formal procedure.

We aim 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 a right of appeal if you are not satisfied.

Issues that may cause grievances include:

- terms and conditions of employment;
- health and safety;
- work relations;
- bullying and harassment;
- new working practices;
- working environment;
- organisational change;
- and discrimination.

This procedure does not form part of the contract of employment of any member of staff and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case. This procedure does not apply to redundancy dismissals or the non renewal of fixed term contracts on their expiry.

Who is covered by the procedure?

This procedure applies to all members of staff regardless of length of service apart from members of staff who hold a formal position within the United Synagogue as a Rabbi and they have a specific policy which they are notified of separately. It does not apply to agency workers or self-employed contractors.

The United Synagogue Staff Handbook – June 2015 48 Using this procedure If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with your line manager or a member of the Human Resources department as soon as possible. This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure which is available from the Human Resources department. Written grievances

will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process in accordance with our Data Protection Policy.

Raising grievances informally

Most grievances can be resolved quickly and informally through discussion with your manager or a member of the Human resources Department. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak informally to a member of the Human Resources Department, nursery chairman or a more senior manager or honorary officer.

If this does not resolve the issue, you should follow the formal procedure below. Formal written grievances

If your grievance cannot be resolved informally you should put it in writing and submit it to your manager/chairman or honorary officer, indicating that it is a formal grievance. If the grievance concerns him or her, you may submit it instead to a member of the Human Resources Department. The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask you to provide further information.

Investigations

In some cases it may be necessary for us to carry out an investigation into your grievance. The length of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by your manager/chairman or an honorary officer or someone else appointed by us. You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation. We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

The United Synagogue Staff Handbook – June 2015 49 Right to be accompanied
You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a United Synagogue work colleague. You must tell a member of the Human Resources Department or the person holding the grievance meeting who your chosen companion is, in good time before the meeting. At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the meeting. Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion. If your choice of companion is unreasonable we may ask you to choose someone else, for example: if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or if your companion is unavailable at the time a meeting is scheduled and will not be available for more than seven days afterwards.

Grievance meetings

We will arrange a grievance meeting, normally within seven days of receiving your written grievance. You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time. The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay. Your companion at a grievance meeting may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the meeting.

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We will write to you, usually within seven days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

Appeals

If the grievance has not been resolved to your satisfaction you may appeal in writing to a member of the Human Resources Department, stating your full grounds of appeal, within seven days of the date on which the decision was sent or given to you. We will hold an appeal meeting, normally within seven days of receiving your written appeal. This will be dealt with impartially by a more senior manager (where possible) who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting. We will confirm our final decision in writing, usually within seven days of the appeal hearing. This is the end of the procedure and there is no further appeal.

Harassment and Bullying in the Workplace

The United Synagogue and its nursery are committed to creating a working environment that encourages harmonious, respectful and dignified working relations and equality of opportunity for all staff. The United Synagogue will not, therefore, tolerate any form of harassment (e.g. unacceptable behaviour by one person against another person or persons) within the organisation. It is The United Synagogue's policy that where staff are aware of bullying or harassment either of themselves or of another member of staff he/she should discuss the matter with his/her Manager. It is, however, accepted that this will not always be appropriate and members of staff may consider it necessary to refer the matter to a more senior manager/director. The aim of this policy is to ensure members of staff feel confident that in bringing to attention examples of bullying or harassment the matter will be investigated appropriately and that they will not be victimised or penalised.

Nevertheless where members of staff raise unfounded allegations maliciously they will be dealt with under The United Synagogue's Disciplinary Policy and Procedure. Harassment, discrimination or victimisation in any form will not be tolerated. All employees will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates the policy. Any manager failing to take corrective action will be viewed as not fulfilling the responsibilities of their position

which may be treated as a disciplinary offence. Remember, harassers are not always colleagues or managers but may be members or contractors. If a complaint is made involving a member or contractor this should be reported to the Chairman who will discuss it with the Human Resources department.

The United Synagogue Staff Handbook – June 2015 51 Definition of Harassment

Harassment may be of a bullying, sexual, religious or racial nature. Harassment can be defined as persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair sanctions which make the recipient feel upset, threatened, humiliated or vulnerable, which in turn undermines self-esteem and can cause health and stress issues for the individual concerned. Such harassment may be made verbally or physically.

Grounds of Harassment People can be subject to harassment on a wide variety of grounds including their:

1. Race 2. Sex or sexual orientation 3. Religious or political conviction 4. Willingness to challenge harassment, leading to victimisation 5. Disabilities, sensory impairments or learning difficulties 6. Status as ex-offenders 7. Age (or youth) 8. Real or suspected infection with AIDS/HIV This list is not exhaustive.

Anyone who is perceived as different, or who is in a minority, or who lacks organisational power, has the potential to be subjected to harassment/victimisation. Thus, health, physical characteristics, personal beliefs and numerous other factors may lead to harassment. Examples of Behaviour Classified as Harassment Extreme forms of harassment, such as physical assault, which constitutes an offence under criminal law, are clearly recognisable. Harassment can also appear in more subtle guises. In some cases it can be unintentional on the perpetrators part.

Examples of behaviour which could be classified as harassment include:

- Verbal conduct of a sexual nature: unwelcome sexual advances; propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after it has been made clear that suggestions are unwelcome; offensive flirtations; suggestive remarks; innuendoes or lewd comments.
- Non-verbal conduct of a sexual nature: unwanted physical contact, including unnecessary touching, patting, pinching or brushing up against another employee's body; assault; displaying pornographic or sexually suggestive pictures, objects or written materials, including pin-ups and "girlie" or "page 3" pictures; leering, whistling or making sexually suggestive gestures; organising kiss-o-grams or strip-o-grams in the workplace; intrusion by pestering or following.
- Sex-based or racially abusive conduct: conduct which denigrates or ridicules or is intimidatory or physically abusive to an employee because of sex or race. This includes derogatory or degrading abuse or insults which are gender related or of a racial nature; offensive comments about dress or appearance or physique etc.
- Isolation or non-cooperation at work: Verbal and written harassment through jokes, offensive language, gossip and slander, letters.

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- Visual display of posters, emblems
- Inappropriate electronic communications e.g. email, internet, voicemail, answerphone etc.
- Persistent criticism and personal abuse, bullying, ridicule, persistent downgrading by individuals in a position of power.

Employees are expected to behave properly outside work and if any such behaviour as described above occurs in relation to another employee at a social function after working hours or in meal breaks or in addition to harassment in the workplace, this will be taken into account.

Procedure 1. Staff who are aware of harassment or consider that they themselves are being harassed should in the first instance consider whether it may be appropriate to raise their issue informally with the alleged harasser, who may not be aware that their behaviour is causing offence.

2. Where it is not appropriate for an approach to be made to the alleged harasser, or the member of staff concerned is unwilling to do this, he/she should consider to whom they should highlight their issue. In most instances it is envisaged that this would be their line Manager. Where their line Manager is implicated in their concerns they can approach the Human Resources department or a Director.

3. The Manager with whom the matter is raised will either investigate the concerns raised or refer the matter (wherever possible with the agreement of the employee concerned) to the Human Resources department.

4. Once the matter is investigated the member of staff who has alleged harassment will be informed of the action taken and where appropriate the outcome. It is not appropriate to tell them of any disciplinary sanctions that result from the investigation. 5. Where a staff member is not happy about the action taken, they may refer to the Human Resources or a Director from a different department who will appoint an appropriate senior person to review their concerns. The outcome of this procedure will be final.

Roles and Responsibilities

1. The role of the Manager is to facilitate a working environment where harassment is not allowed to flourish. Nevertheless the role of the Manager is also to ensure that staff feel able to discuss with them any instances of harassment. Where possible Managers will only discuss the matters raised with those people to whom the member of staff agrees.

Nevertheless the Manager has the right where they consider it necessary e.g. to protect other members of staff or the reputation of the United Synagogue Nursery to discuss the matter confidentially with whoever he/she deems appropriate. 2. The role of the member of staff is to ensure that they are not confusing harassment with good management practice and the application of appropriate authority.

Legal obligations

Our obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures. This code of practice was introduced in April 2009 and updated in 2015. A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website www.acas.org.uk

We note that a failure to follow the code does not, in itself, make an organisation liable to formal proceedings at an employment tribunal, but failure to follow the code may result in any compensation award payable to be increased by up to 25%, or reduced by 25% if the employee does not comply.

Objectives and guiding principles

We recognise that an employee needs to feel that his or her grievance has been fully investigated and has received a fair hearing. The employee also needs to understand the reasons for the decision made by the manager who heard their grievance. The employee

should then be given the opportunity to appeal against the decision. Their appeal should be submitted in writing and should be investigated and heard by someone more senior to the person who heard the initial grievance. The person allocated to hear the employee's appeal should be able to take a fresh and independent look at the issue. In our organisation the individual's immediate line manager deals with the grievance initially separately before being passed on to the owner, manager or officer in charge of the nursery.

ACAS advocates the use of mediation to resolve grievances, in an attempt to maintain a good working relationship and resolve issues within the workplace. We may decide to use such mediation where appropriate using ACAS support and guidance.

This policy was adopted on	Signed on behalf of the nursery	Date for review
24/02/2021	Melanie Kaye	24/02/2023