



## **Complaint and Grievance Policy and Procedure**

### **Complaint Policy Statement**

This policy is intended to provide fair and prompt consideration to all staff complaints. FFWPU encourages all staff to use the complaint procedure without fear of prejudice or retaliation within the limits of the complaint process and with the assurance that his/her confidences will be respected.

It is the policy of FFWPU to provide an effective and timely method for staff to bring forth workplace issues and concerns. These issues and concerns may include working conditions, performance, policies, procedures, or problems with co-workers or line managers. This complaint policy does not apply to complaints about employment actions based on internal and external department &/or FFWPU re-organisation, financial necessity or budget determinations, and termination from employment.

### **Definitions**

**Complaint** : An issue brought forth by a staff member concerning the workplace which may include, but is not limited to, working conditions, performance, policies, procedures, or problems with co-workers or line managers. A complaint is not an issue that is a “grievance” as defined below. The Complaint Procedure is not a vehicle to alter FFWPU policy.

**Grievance** : A complaint of a staff member concerning any adverse employment action directly affecting the staff member and which he/she believes is a violation of written FFWPU policy or is a violation of employment laws or regulations.

**Staff** : Regular full-time or part-time FFWPU employees

### **Complaint Procedures**

Only a regular full-time or part-time staff member, i.e. one who has completed his/her probation period, is entitled to initiate the Complaint Procedure. Staff members in their probation periods may follow steps 1 and 2 in the Informal Complaint Procedure.

Human Resources Office will keep all expressions of concern, the results of fact-finding and terms of the resolution confidential. In the course of fact finding and resolving the matter, some dissemination of information to others may be necessary or appropriate.



Retaliation of any kind by an employee of FFWPU against another employee, as a result of that employee seeking resolution under these procedures in good faith, co-operating in an investigation, or otherwise participating in the process, is prohibited and may be the basis for disciplinary action, including termination.

Line managers may provide the staff members involved in the complaint adequate time away from their duties for proper due process.

## **Informal Complaint Procedure**

1. Staff members who have work-related concerns are encouraged to discuss them with their line manager as soon as possible after the event(s) that cause the concern. The line manager should address the issue within 5 working days.
2. If the concern is not resolved with the staff member's line manager, the staff member may bring the issue to Human Resources Office. They will mediate and facilitate a solution satisfactory to all parties.
3. If the parties cannot reach a satisfactory conclusion, the staff member may choose to file a formal complaint with Human Resources Office.

## **Formal Complaint Procedure**

1. Staff members must submit all formal complaints in writing. The document should describe the incident or complaint and the evidence upon which it is based. The document should describe the issue with specific facts, including personnel involved, events, dates and other information relating to the complaint. The complaint should be marked "Personal and Confidential" and emailed to [hr@ffwpu.org.uk](mailto:hr@ffwpu.org.uk) for the Human Resources Office.

Human Resources Office records all written complaints and sends the staff member a written acknowledgement that the complaint was received and is under review.

2. Human Resources Officer investigates the complaint, meeting separately with the staff member and others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint. The investigation is completed within 20 working days from the date the Human Resources Office receives the written complaint.



Within 10 working days after conclusion of the investigation, Human Resources Office will prepare a written report of the investigation and findings, written notification to the complainant and the individual or line manager against whom the complaint is made, that the investigation with recommended resolution is complete.

3. All parties have the right to appeal the complaint resolution. Either party may file a written appeal to the National Director within 10 working days of the decision. If no appeal is filed during that time, the terms of the resolution will be recorded and signed by the parties and the National Director.

The National Director will render a final decision usually within 10 working days following receipt of the appeal.

## **Grievance Policy Statement**

This policy is intended to provide fair and prompt consideration to staff grievances. It provides an opportunity to resolve disputes concerning adverse employment actions including termination of employment. FFWPU encourages all staff to use the grievance procedure without fear of prejudice or retaliation within the limits of the grievance process and with the assurance that his/her confidences will be respected.

It is the policy of FFWPU to provide an effective and timely method for staff to bring forth employment issues and concerns. This grievance procedure is intended to resolve those issues or conflicts regarding a staff member's belief that an adverse employment action, including termination from FFWPU employment, violated FFWPU policy or violated the Employment Law and Regulations. This grievance policy is the exclusive means of determining if such an action is in violation of FFWPU policy. This policy does not apply to complaints about working conditions, performance, policies, procedures, or problems with co-workers or line managers. Complaints of this nature are addressed in FFWPU's Complaint Procedure.

## **Grievance Procedure**

Only a regular full-time or part-time staff member, i.e. one who has successfully completed his/her probation period, is entitled to use the Grievance Procedure.

Grievances by two or more employees, related to the same incident, may be consolidated for purposes of the Grievance Procedure by mutual agreement between FFWPU and the staff members with the grievances.



## **(1) Initial Resolution of Grievance**

The staff member with the grievance will discuss the issue with the line manager responsible for the employment action. A representative from the Human Resources Office may be present for the discussion. This discussion should take place within 5 working days after learning of the action or decision being grieved. The staff member and line manager shall attempt in good faith to discuss the grievance and resolve it. Where resolution of a grievance is not possible, the staff member may proceed to the next step of the grievance process.

## **(2) National Director Review**

If the matter is not satisfactorily resolved in Step 1, the staff member may file a written grievance with the National Director in which the grievance arose within 5 working days after the initial discussion. If the National Director is the staff member's direct line manager, the written grievance should be addressed to the line manager of the National Director. The document should describe the grievance with specific facts, including the reason for the grievance, personnel involved, events, dates, the remedy requested, and other information relating to the grievance. A copy of the grievance should be provided to the Chair of the Trustee Board.

The National Director will review the grievance and meet with the staff member(s), line manager and others who may have knowledge of the decision or action, as appropriate. This review will take place within 5 working days of receiving the grievance.

The National Director shall provide the staff member(s) and line manager a written decision regarding the grievance within 5 working days after completing the review.

## **(3) Trustee Board Review**

If the matter is not resolved, the staff member may file an appeal with the Trustee Board. This appeal should be filed within 5 working days of receipt of the National Director's decision in Step 2. The written appeal should include the written grievance submitted to the National Director in Step 2, the basis for the appeal, and why the National Director's decision should be reviewed.

The Trustee Board will review the appeal, and meet with the staff member(s), line manager and other who may have knowledge of the decision or action, as appropriate. The Trustee Board will review the appeal within 10 working days after receiving the written appeal.



The Trustee Board shall provide the staff member, line manager and the National Director a written decision regarding the appeal with 5 working days after completing the review.

#### **(4) Neutral Arbitration**

Neutral arbitration allows the staff member and FFWPU to each present their case to an independent and impartial professional arbitrator for a final decision.

If the staff member disagrees with the decision in Step 3, he/she may file a written request for neutral arbitration with the Trustee Board. The request must be submitted within 15 working days of receipt of the decisions of the Step 3 appeal. If the staff member does not request neutral arbitration, then the written decision at Step 3 shall be final and binding as to any and all allegations of a violation of FFWPU policies.

In order for neutral arbitration to be considered, the grievance must concern cases of alleged unfair dismissal and claims under the flexible working legislation. The staff member must maintain the action was a violation of written FFWPU policy or a violation of Employment Law and Regulations.

The staff member and the Trustee Board will sign a written agreement with 10 working days to initiate the request to proceed with arbitration, and that the arbitrator's decision is final and binding and judgement thereon may be entered in court. The arbitrator will determine the dispute and schedule hearings as appropriate. The staff member and FFWPU will equally share the cost of the professional fees of the arbitrator, unless the arbitrator awards otherwise pursuant to the law. Staff may learn more about arbitrator on <https://www.acas.org.uk/arbitration>

#### **Other issues relating to Complaints and Grievances**

##### **Other Forums**

If at any time before or during this procedure the staff member files a complaint or grievance in another forum, FFWPU reserves the right to discontinue the complaint or grievance proceedings if, in its judgement, it determines that continuation will not conclude the matter with finality or will be unnecessarily duplicative.

##### **Procedure Changes**

Changes to these procedures may be made as needed.