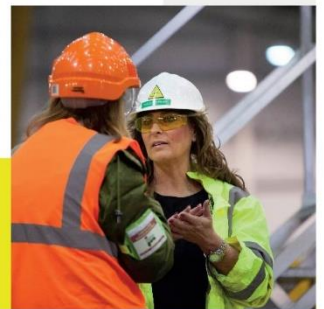
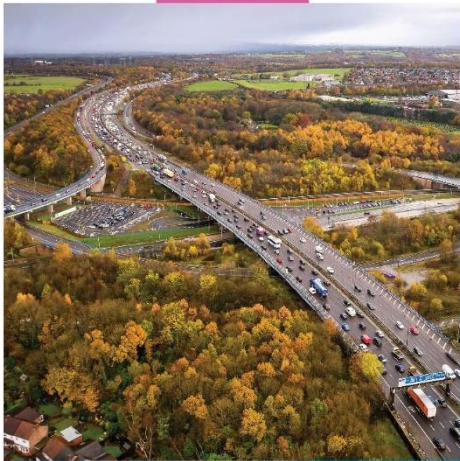


GRIEVANCE POLICY



The policy incorporated in this document shall apply to all employees of TfN. The policy has regard to the ACAS Code of Practice relating to grievance issues.

The purpose of the procedure is to formally enable employees to raise issues relating to their work or relating to their colleague's actions that affect them.

All issues that may become a source of grievance are covered by this procedure. However, particularly sensitive issues such as harassment, bullying and victimisation will be dealt with under the Dignity at Work Policy.

Issues relating to an employee's performance against any objectives set for their individual role are not covered by this policy

1. Principles

TfN recognises that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect, the TfN's policy is to encourage free communication between employee's and their Managers to ensure that questions and problems arising during the course of employment can be aired, and where possible, resolved quickly and to the satisfaction of all concerned.

To this end the following procedure should be adopted where an employee has a grievance arising from their employment, except where the matter constitutes an appeal against disciplinary action, which should be taken up in accordance with, the TfN's separate disciplinary policy. The aim of the policy is to resolve all potential issues at the earliest opportunity to avoid escalation into a serious dispute.

Any difference, which may arise, between the TfN and the employee(s) shall be discussed through the following procedure. Whilst discussions are being conducted under this policy, work shall continue as usual in all respects.

This policy should not be used where employees who wish to disclose concerns relating to malpractice or wrongdoings within TfN. Anyone wishing to raise such concerns are encouraged to refer to TfN's Whistleblowing Policy.

2. General Principles

If it is not possible to resolve a grievance informally, employees should raise the matter formally and without unreasonable delay with a manager who is not subject to the grievance.

The Grievance Policy is designed to enable an employee or groups of employees to raise and have dealt with any matter with which they feel aggrieved.

The Grievance Policy is designed to produce agreement as rapidly as possible and to resolve disputes effectively, efficiently and as sensitively as possible.

It is in everyone's best interest to ensure that a grievance be resolved quickly and fairly and at the lowest level possible within TfN.

Most routine complaints and grievances are best resolved informally in discussion with the employee's immediate Line Manager. A file note should be kept of these meetings by the Line Manager and placed on the employee's personal file. All records shall be treated as confidential.

In the event of a grievance relating to a proposed change to an individual(s) terms or conditions, status quo will apply until any grievance is resolved.

Employees will have the right to be accompanied/represented by a work colleague or a Trade Union Representative at all grievance meetings held at Stage One, Two and Three.

The onus is on the employee to arrange such representation and notify the Line Manager. The representative may address the hearing to put forward an employee's case, sum up their case or respond on their behalf to any view expressed at the hearing. He or she may confer with the employee during the hearing but does not have the right to answer questions on their behalf or address the hearing if the employee does not want him or her to do so, or prevent anyone, including the employee, from making his or her contribution to the hearing.

All parties involved in the grievance meetings are advised that these matters shall be dealt with in the strictest confidence. Any records relating to action taken under this grievance procedure will be retained, and shall be treated as confidential. Any party found to be in breach of this confidentiality clause, may be dealt with through the TfN's Disciplinary Policy.

Where investigations are necessary, all parties are advised that these matters shall be dealt with in the strictest confidence.

Where necessary and with the agreement of the employee a statement may be used in subsequent disciplining proceedings.

Where a grievance is substantiated, the disciplinary procedure may be invoked if found appropriate. Employees who invoke any stage of the grievance procedure should find confidence in knowing that if raising a grievance they will not be a subject to any detrimental treatment.

Where considered appropriate TfN reserves the right to negate Stage One of the procedure and immediately instigate Stage Two of the procedure in order to deal with any such complaints as expediently as possible. The employee also has the right to negate Stage One of the policy and progress directly to Stage Two.

3. Investigation

The investigation may take place after the meeting with the employee, prior (if there is detail in the grievance letter which can be investigated prior to the meeting) or as a combination of both. The degree of investigation will depend on the seriousness of the alleged offence but should be conducted without delay and within a short a timescale as possible. In this case, the HR & Skills Representative will arrange to appoint an appropriate Investigating Manager.

The Investigating Manager will interview all parties involved and, on occasions, it may be appropriate to bring the parties together as part of the investigation process under mediation agreement; including where considered appropriate affording both parties the opportunity to ask questions to witnesses.

A copy of the verbatim notes will be provided.

As a result of allegations raised in connection with this procedure, or in order to carry out an investigation in an effective way, TfN reserves the right to suspend either or both parties involved on full pay while the allegations are investigated. Suspension will only occur if it is proper in the circumstances taking into account the nature and seriousness of the allegations.

Any suspension will be kept to a minimum length of time and regularly reviewed to ensure it is still necessary, any employee suspended will be kept informed of the progress of the investigation.

Any suspension is not indicative of guilt and is not a disciplinary measure. Line Managers should consult the HR & Skills Representative before suspending an employee.

Where an employee is suspended from work, they should expect to be contactable during normal working hours and available to attend any meetings and/or interviews that are necessary concerning the investigation.

4. Mediation

As an alternative method, TfN promotes the use of mediation. Mediation is when an independent, impartial third party discusses a problem between two employees or an employee and employer to try and find a solution. It's often used after informal discussions haven't solved the issue.

Mediation is voluntary and confidential. The mediator can't force anyone to accept a solution - both parties must agree on the way to solve the dispute.

It shouldn't be used for problems that have to be formally investigated (e.g. harassment or discrimination). Any employee wishing to use this service should notify a HR & Skills Representative.

5. Overlapping Grievance and Disciplinary cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

6. Grievance Procedure

If the grievance raised is with the employee's Line Manager then the employee should bring this to the attention of the HR & Skills Representative in order that an appropriate manager is identified to hear the grievance.

The stages of the grievance procedure, along with the appropriate timescales, are detailed below:

- In the event that circumstances arise when the timescales cannot be met, then an extension may be mutually agreed by the HR & Skills Representative, and the employee raising the grievance and their representative (if applicable);
- If the employee who has raised the grievance and/or their representative, fail to comply with the timescales set out and does not invoke the clause above, then the procedure will be deemed exhausted;
- If having raised a grievance, it is agreed by the parties that the issue should be addressed through a different procedure, then no further recourse will be made to the grievance procedure.

7. Grievance Stages

Stage One

An employee wishing to raise a grievance in which they have direct involvement should, in the first instance, discuss this with their immediate Line Manager in order to try to resolve the matter.

If the grievance is unresolved and the employee wishes to pursue the matter further, the grievance should be put in writing and brought to the attention of the HR & Skills Representative.

Where appropriate, the HR & Skills Representative will arrange for a Stage One meeting to be convened without unreasonable delay for all parties concerned to discuss the grievance in question, with a view to achieving an agreed resolution.

HR & Skills Representative will also be present throughout the hearing to provide advice and ensure a fair and consistent process.

The HR & Skills Representative should inform in writing that employee has the right to be accompanied by a work colleague or a Trade Union Representative.

The Hearing Manager will summarise the meeting before adjourning in order that further evidence may be produced by either party and proper/full consideration to the hearing may be given.

Following the conclusion of the Stage One meeting, HR & Skills Representative will inform all parties concerned in writing within 5 working days setting out the decision in full and offering the right of appeal.

Where the outcome of the grievance establishes remedial action

The outcome of this meeting will be confirmed in writing by the HR & Skills Representative to employee's home address, normally within 5 working days of the meeting taking place, setting out any agreed action to be taken. If it is not possible to respond within this period the employee will be given an explanation and informed when a response can be expected.

The Respondent(s) will also be informed of the outcome and it may be appropriate for the Hearing Manager to meet with the Respondent(s) and/or their line manager, to support the delivery of the conclusion and implementation of any recommendations.

Where the outcome of the grievance establishes No further action

The outcome of this meeting will be confirmed in writing, this will be sent by the HR & Skills Representative to employee's home address, normally within 5 working days of the meeting taking place. If it is not possible to respond within this period, the employee will be given an explanation and informed when a response can be expected.

The Respondent(s) will also be informed of the outcome and it may be appropriate for the Hearing Manager to meet with the Respondent(s) and/or their line manager, to support the delivery of the conclusion and implementation of any recommendations.

If the employee is not satisfied with the outcome the employee should inform the Head of HR in writing, of their intention to move to Stage Two of the procedure and confirm why they are dissatisfied with the outcome of Stage One.

Stage Two

Where the employee is not satisfied with the outcome of Stage One, the HR & Skills Representative will arrange for a Stage Two meeting to be convened without unreasonable delay.

The Stage Two meeting will involve a HR & Skills Representative in an advisory capacity.

All parties concerned will have the right to be accompanied, the opportunity to state their case and call any witnesses as appropriate.

The Hearing Manager will summarise the meeting before adjourning in order that further evidence may be produced by either party and proper/full consideration to the hearing may be given.

Following the conclusion of the Stage Two meeting, HR & Skills Representative will inform all parties concerned in writing within 5 working days setting out the decision in full.

Where the outcome of the grievance establishes remedial action

The outcome of this meeting will be confirmed in writing by the HR & Skills Representative to employee's home address, normally within 5 working days of the meeting taking place, setting out any agreed action to be taken. If it is not possible to respond within this period the employee will be given an explanation and informed when a response can be expected.

The Respondent(s) will also be informed of the outcome and it may be appropriate for the Hearing Manager to meet with the Respondent(s) and/or their line manager, to support the delivery of the conclusion and implementation of any recommendations.

Where the outcome of the grievance establishes No further action

The outcome of this meeting will be confirmed in writing by the HR & Skills Representative to employee's home address, normally within 5 working days of the meeting taking place. If it is not possible to respond within this period, the employee will be given an explanation and informed when a response can be expected.

The Respondent(s) will also be informed of the outcome and it may be appropriate for the Hearing Manager to meet with the Respondent(s) and/or their line manager, to support the delivery of the conclusion and implementation of any recommendations.

If the employee is not satisfied with the outcome of the Stage Two meeting, the employee should inform HR & Skills Representative in writing, of their intention to appeal. This must be done within 5 working days of receiving written notification of the decision.

Stage Three (Appeal)

The Stage Three meeting will, if practicable, be heard without unreasonable delay, normally within 2 working weeks of receipt of the written particulars.

The Stage Three meeting will be heard by an Operating Board Member who will not have been involved at any stage of the procedure. The Head of HR/ HR & Skills Representative will also be present to advise and ensure a fair and consistent process. The HR and Skills Representative should inform in writing that employee has the right to be accompanied by a work colleague or a Trade Union Representative.

The Hearing Manager, hearing the Stage Three meeting will then ask parties to summarise, before adjourning the meeting in order that further evidence may be produced by either party and proper/full consideration to the hearing may be given.

The Hearing Manager will consider the decision in private with the Head of HR, (or nominated HR & Skills Representative) and will then announce the final decision to the parties concerned, ensuring the final decision is made in writing to the employee, normally within 5 working days of the outcome. This decision will be final.

In all cases the procedure will have due regard to the ACAS Code of Practice.



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