Millennium Farm Trust

HR9 Grievance Policy and Procedure V02

Next review date Jun 2028

Version Control

Version number	Date of changes	Who	Review summary
01	May 2018	T Freathy	First draft
	Jun 2021	H Wilson	Annual review, no changes
	Jun 2024	T Freathy	Scheduled review, no changes
02	Aug 2026	T Freathy	Best practice review. Removed suspension provisions. Clarified role of policy and relationship to others. Changed deadlines to 5 working days.

1. Purpose

Millennium Farm Trust (MFT) wants employees to feel able to raise concerns about their work, working relationships or treatment at work and to have those concerns considered fairly, promptly and respectfully.

Most workplace concerns are best resolved through open discussion at an early stage. Where this is not possible or appropriate, this policy provides a fair and straightforward formal process.

Employees will not be treated adversely because they have raised a grievance. A grievance which is not upheld will not, in itself, result in any action against the employee who raised it.

This policy is non-contractual and MFT may amend it from time to time.

2. Scope

This policy applies to all employees of MFT and covers individual grievances relating to their employment.

A grievance may concern, for example:

- working arrangements or conditions;
- relationships with colleagues or managers;
- treatment by another employee;
- bullying, harassment, discrimination or victimisation;
- application of MFT policies or procedures;
- management decisions affecting the employee;
- health, safety or wellbeing at work; or
- another work-related matter affecting the employee personally.

Not every workplace concern is a grievance. Matters may be more appropriately dealt with under MFT's disciplinary, safeguarding, whistleblowing, sickness absence, equal opportunities, complaints or other relevant procedures.

Where an employee raises a concern under the wrong procedure, MFT will not reject it simply because it has been incorrectly labelled. MFT will consider the substance of the concern and explain which procedure will be followed.

An employee wishing to challenge a disciplinary sanction should normally use the appeal procedure contained within the Disciplinary Policy and Procedure rather than this grievance procedure.

3. Principles

MFT will seek to deal with grievances:

- fairly and impartially;
- as promptly as reasonably practicable;
- at the lowest appropriate level;
- sensitively and with appropriate confidentiality;
- after establishing the relevant facts;
- with appropriate regard to the interests of everyone involved; and
- in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

Employees are encouraged to raise genuine concerns and will not be penalised simply because a grievance is not upheld.

However, where there is clear evidence that an employee has knowingly made a false or malicious allegation, deliberately provided materially false information or otherwise abused the grievance procedure, this may be considered under MFT's Disciplinary Policy and Procedure.

MFT will consider reasonable adjustments throughout the grievance process where these are required.

4. Informal resolution

Where appropriate, employees are encouraged to try to resolve concerns informally before using the formal grievance procedure.

This might involve:

- speaking directly with the person concerned;
- discussing the matter with their line manager or the Director;
- asking a manager to facilitate a discussion;
- clarifying expectations or working arrangements;
- agreeing practical changes; or
- seeking appropriate support or supervision.

Employees will not be expected to attempt informal resolution where they do not feel able to do so or where the nature or seriousness of the concern makes this inappropriate.

An employee may proceed directly to the formal procedure where appropriate.

5. Mediation and facilitated discussion

Some workplace difficulties, particularly those involving working relationships or communication, may be suitable for mediation or facilitated discussion.

MFT may suggest this where it considers it appropriate. Participation will normally be voluntary and requires the agreement of those involved.

Mediation will not normally replace appropriate formal action where serious misconduct, safeguarding, discrimination or another significant concern may have occurred.

6. Raising a formal grievance

An employee who wishes to raise a formal grievance should normally do so in writing to the Director.

The grievance should, as far as possible:

- explain the nature of the concern;
- provide relevant dates, examples or other information;
- identify any relevant witnesses or documents; and
- explain what outcome or resolution the employee is seeking.

Employees are not expected to produce a legal document or prove their grievance before it can be considered.

Where an employee has difficulty putting their grievance in writing because of disability, literacy, language or another legitimate reason, MFT will provide reasonable assistance or agree another appropriate way of recording the grievance.

Where the grievance concerns the Director, or there is another reasonable reason why the Director should not deal with it, the employee should raise the matter with the Chair of Trustees or another nominated Trustee.

7. Initial consideration and investigation

MFT will acknowledge a formal grievance promptly and decide what investigation, if any, is reasonably required before or following the grievance meeting.

The investigation will be proportionate to the nature and seriousness of the issues raised.

It may include:

- meeting with the employee raising the grievance;
- speaking with the person or people whose actions are the subject of the grievance;
- interviewing relevant witnesses;
- reviewing correspondence, records, LearnTrek entries or other relevant documents; and
- obtaining other information reasonably necessary to understand the issues.

MFT will approach the investigation with an open mind.

Where allegations concern another employee, that person will be treated fairly and will

normally be given sufficient information about the allegations to enable them to respond.

An investigatory meeting is a fact-finding meeting and is not itself a grievance hearing. There is no general statutory right to be accompanied at an investigatory meeting, although MFT may permit a companion where appropriate, including as a reasonable adjustment.

8. Formal grievance meeting

The employee will normally be invited to a formal grievance meeting within a reasonable period after their grievance has been received.

MFT will normally aim to arrange the meeting within **five working days**, although additional time may be necessary where preliminary investigation is required or people are unavailable.

The employee will normally be given at least **five working days' notice** of the meeting.

The meeting will usually be conducted by the Director unless they are involved in the grievance or another person is more appropriate.

At the meeting, the employee will have an opportunity to:

- explain their grievance;
- describe how it has affected them;
- provide relevant information or evidence;
- identify relevant witnesses;
- respond to questions; and
- explain what they believe might reasonably resolve the matter.

The person conducting the meeting may ask questions and discuss possible ways of resolving the concern.

The meeting may be adjourned where further investigation is required and reconvened if appropriate.

9. Right to be accompanied

An employee has the right to make a reasonable request to be accompanied at a formal grievance meeting and any appeal meeting by:

- a fellow worker;

- a trade union representative; or
- an appropriately certified trade union official.

MFT may also agree to another appropriate companion where there is a good reason for doing so, including where this forms part of a reasonable adjustment.

The employee should tell MFT in advance who they wish to accompany them.

The companion may address the meeting, put and sum up the employee's case, respond on the employee's behalf to views expressed at the meeting and confer privately with the employee. They may not answer questions on the employee's behalf where the employee is required to answer personally or otherwise prevent MFT from explaining its position.

Where the employee's chosen companion cannot attend, MFT will rearrange the meeting to another reasonable time proposed by the employee in accordance with statutory requirements.

10. Grievance outcome

After the meeting and any necessary further investigation, MFT will consider the information available and reach a decision.

The grievance may be:

- upheld;
- partially upheld; or
- not upheld.

Where appropriate, MFT may identify actions arising from the grievance. These might include:

- clarification of roles, expectations or working arrangements;
- changes to working practices;
- mediation or facilitated discussion;
- additional training, support or supervision;
- review or clarification of a policy or procedure;
- management action;
- consideration of a matter under another MFT procedure; or
- another reasonable step intended to address the concern.

The employee will be informed of the outcome in writing, normally within **five working days** of the meeting or completion of any further investigation. Where this is not reasonably practicable, MFT will explain the delay and give an indication of when an outcome is expected.

Where a grievance results in management or disciplinary action concerning another employee, the employee who raised the grievance will normally be told that appropriate action has been taken but will not necessarily be given confidential details about the action or sanction.

11. Appeal

An employee who is dissatisfied with the outcome of a formal grievance may appeal.

The appeal should normally be submitted in writing within **five working days** of receiving the written outcome and should explain the grounds of appeal.

Grounds may include:

- relevant new evidence;
- a material procedural failing;
- disagreement with a significant finding;
- a proposed resolution being unreasonable or inadequate; or
- another material reason why the outcome should be reconsidered.

The employee will be invited to an appeal meeting.

Where reasonably practicable, the appeal will be considered by someone who has not previously been involved in the grievance and who has appropriate authority. This may be a Trustee or, where appropriate, an independent person appointed by MFT.

The appeal may involve a review of the original decision or a rehearing where this is appropriate.

The employee has the same right to be accompanied at an appeal meeting as at the original grievance meeting.

The appeal outcome will be confirmed in writing, normally within **five working days** of the appeal meeting or as soon as reasonably practicable thereafter.

The appeal decision is final within MFT's internal procedure.

12. Failure to attend

Employees are expected to make reasonable efforts to attend grievance and appeal meetings.

Where an employee cannot attend for a genuine reason, MFT will normally seek to rearrange the meeting.

If an employee repeatedly fails or refuses to attend without good reason, MFT may consider the grievance using the information available.

Before doing so, MFT will consider the reasons for non-attendance and whether alternative arrangements, including a remote meeting or written representations, would be appropriate.

13. Grievances raised during disciplinary proceedings

Where an employee raises a grievance during a disciplinary process, MFT will consider the nature of the grievance and its relationship to the disciplinary matter.

MFT may:

- temporarily pause the disciplinary process while the grievance is considered;
- deal with both matters concurrently; or
- consider the grievance within the disciplinary process where the issues are closely related.

Raising a grievance will not automatically suspend another employment process.

14. Safeguarding, whistleblowing and other concerns

Where a grievance raises a safeguarding concern, MFT will follow its safeguarding procedures and make any necessary referrals or notifications.

A concern about suspected wrongdoing affecting others, MFT or the wider public interest may fall within MFT's Whistleblowing Policy rather than this grievance procedure.

Concerns raised by Farm Helpers, families, carers, commissioners or other third parties will normally be considered under MFT's Complaints Procedure or safeguarding procedures as appropriate.

Where a grievance includes allegations of bullying, harassment, discrimination or victimisation, MFT will also have regard to its Equal Opportunities Policy and Code of Conduct.

Different procedures may operate alongside one another where this is necessary.

15. Collective grievances

Where two or more employees raise substantially the same workplace concern, MFT may, after consulting those involved, agree to deal with the matter collectively.

This may include employees nominating one or more representatives to attend meetings or communicate on behalf of the group.

MFT will seek to use a process that is fair, proportionate and avoids unnecessary duplication.

16. Confidentiality

Grievances will be handled sensitively and information will be shared only with those who reasonably need it in order to investigate, respond to or advise upon the matter, or where disclosure is required for safeguarding, legal or regulatory reasons.

MFT cannot guarantee complete confidentiality where the proper investigation of a grievance requires allegations or information to be put to another person.

Employees involved in a grievance are expected to respect the privacy of others and not unnecessarily discuss or circulate information about the matter.

Nothing in this section prevents an employee from obtaining appropriate advice, representation or support.

17. Records and data protection

Appropriate records of formal grievances, investigations, meetings, decisions and appeals will be maintained.

Records will be handled in accordance with MFT's Data Protection and Privacy Policy and Document Retention Schedule.

Information relating to other employees will only be disclosed where it is appropriate and lawful to do so.

18. Relationship with other policies

This policy should be read alongside relevant MFT policies and procedures, including, where applicable:

- HR4 Disciplinary Policy and Procedure;
- Code of Conduct;
- Equal Opportunities Policy;
- Whistleblowing Policy;
- Complaints Procedure;
- Safeguarding Policy and Procedures;
- Sickness Absence Policy;
- Staff Training and Supervision arrangements;
- Health and Safety Policy; and
- Data Protection and Privacy Policy.

Where another procedure provides a more appropriate route for dealing with a concern, MFT may use that procedure instead and will explain this to the employee.

19. Review

This policy will be reviewed periodically and following any significant change in legislation, ACAS guidance, MFT's operations or learning arising from its use.

Related guidance: ACAS Code of Practice on Disciplinary and Grievance Procedures.