Forest Churches Emergency Night Shelter (FCENS)

Grievance Policy & Procedure

May 2024

To be next reviewed in May 2025

Introduction and Philosophy

Forest Churches Emergency Night Shelter (FCENS) is a Christian organisation that is passionate about living out God's kingdom values of love, hope, justice and transformation. It's what inspires us and drives us. FCENS will therefore, reflect this Christian ethos through its staff, volunteer workers and in all of its developments.

The purpose of this policy and procedure is to promote a working environment where all clients, staff and volunteers are treated with dignity and respect and where complaints or grievances, whatever their nature, are taken seriously and dealt with promptly, effectively, sensitively and with confidentiality.

In conducting any investigation and reaching a decision the nominated investigator must follow the rules of natural justice i.e. the complainant must:

- know the complaints against him/her;
- have the opportunity to state his/her side of the case before any decision is made;
- have the opportunity to be represented;
- must be dealt with fairly, reasonably and impartially at all times.
- have the right to appeal any decision made as a result of the investigation.

All new staff will be made aware of the Grievance Procedure through induction.

FCENS accepts that it has a responsibility to provide training for those staff in a supervisory position in how to recognise, prevent and deal with grievances. This training is to be mandatory for all managers in FCENS.

Procedure

Informal complaint

1. In the first instance the employee should refer the grievance orally to their line manager and the matter will be discussed informally. Managers must take any issue raised with them seriously. Both parties may find it helpful to keep notes. Most grievances can usually be best resolved informally, at an early stage. Informal procedures concentrate on conciliation, not sanctions. For example, asking someone to stop doing something or to apologise. If both parties are willing and the matter is appropriate for mediation, the mediation process will be considered.

2. It should take no more than approximately a month to deal with an informal complaint. If the complainant considers that they have not been fairly treated or is not satisfied with the handling of the matter or timeliness, then they should consider making a formal complaint to the trustees (see below).

Formal complaint

When complainant wishes to raise a formal grievance

1. S/he should complete a complaint/grievance form (Appendix 1) within three months of the event or issue occurring and present this to their line manager. The complainant should also send a copy of their complaints form to the Trustees for monitoring purposes.
2. Following receipt of the complaint form, the manager should contact the complainant normally within 5 working days. This will be to discuss the complaint and the arrangements for investigation or mediation where appropriate. Where it is not possible to respond within specified time periods the complainant should be given an explanation for the delay and told when a response can be expected.

3. Where the grievance is against the line manager, the complainant should send their complaint form to the HR Trustee.

   a. Following receipt of the complaint form, the Trustees should contact the complainant normally within 5 working days. This will be to discuss the complaint and the arrangements for investigation or mediation where appropriate. Where it is not possible to respond within specified time periods the complainant should be given an explanation for the delay and told when a response can be expected.

   b. If the line manager is a Trustee he/she shall stand down from the management of any disciplinary consultations.

4. The line manager or Trustees will, as soon as reasonably practicable, investigate the matter to establish the facts and, where appropriate, obtain statements from any available witnesses. This information should be recorded and kept in accordance to the Confidentiality policy and data protection act 1998.

   The Trustees will need to ensure that any investigation is timely, objective and seen to be objective.

5. The line manager/Trustees will arrange for:

   a. an investigation into the grievance,

   b. a hearing to discuss the grievance.

a. The investigation

i. The purpose of the investigation is to obtain, collect and analyse all the evidence and information about a situation. This may be something that has happened, an individual incident, a series of incidents etc. Decisions are made on the basis of the accumulated information and evidence, and these decisions determine how the issues are handled. The investigation must gather all the facts which are relevant to the matters under consideration. Decisions will be taken on the balance of probabilities.

ii. If an investigation is required, this must begin as soon as possible. Managers may need to justify the time taken in dealing with a complaint, therefore, a record should be kept of the reasons for any delays etc.

iii. Less complex complaints should be dealt with normally within days or weeks - certainly a maximum time of 20 working days.

iv. If any less complex complaint has not been finalised within 20 working days, the line manager needs to notify Trustees of:
- The reasons why;
- The expected time-frame for completion,
- How the complainant has been advised.

v. Complex cases will depend on the circumstances, but must begin without delay. Two months should normally be the maximum time taken to conclude a complex matter.

vi. For any form of complaint, the complainant should be kept advised of progress and given an explanation for any delay. They should also be told when a response can be expected.

vii. Where a staff member raises a complaint about the behaviour of a manager (in the course of a disciplinary case), consideration should be given to suspending the disciplinary procedure for a short period, until the complaint can be considered separately and/or bringing in another manager to deal with the disciplinary case.

viii. In situations where action has not been taken within the time-scales and without a satisfactory explanation, the complainant should raise this with the Trustees.

ix. Where the complaint involves equality issues or any other serious allegations, the complaints procedure will be followed to completion, even if the complainant resigns or leaves the service.

x. The decision, and what action is to be taken, must be based on evidence collected and not hunches, suspicions or any prejudgement. The decision must be arrived at on the balance of probabilities.

b. The hearing

At any hearing the employee may be accompanied by a colleague or another representative of their choice.

i. The representative will be permitted to address the hearing and to confer with the person they are representing during the hearing in order to clarify issues.

ii. The representative is not entitled to answer questions on behalf of that person.

iii. The hearing will be postponed if the representative is not available, but they must propose a reasonable alternative date and time before the end of five working days from the postponed hearing date. However, a postponed hearing may proceed if the representative is not available within 2 working weeks of the original postponed hearing date.

iv. It is not appropriate for someone to insist on a representative whose presence would prejudice the hearing or who might have a conflict of interest.

6. The employee will be informed in writing of the outcome of the hearing within 5 working days of the decision being made.

7. If the manager investigating the case reaches the conclusion that formal disciplinary procedures should be implemented, a formal disciplinary hearing will be scheduled. Its purpose will be to determine whether specific charges are substantiated; the severity of the incident(s), and if formal sanctions are required. The investigation will form the basis of the management case and the disciplinary procedure will be invoked at the stage of convening a Hearing. The panel hearing the disciplinary cannot include the manager who investigated the original complaint.

8. If the grievance is still not resolved or if the employee considers that they have not been fairly treated, the employee may appeal to the Trustees who will meet with the employee, and their decision shall be final.

9. Where a grievance is brought by the line manager, it will be considered by the Trustees whose decision shall be final.

At the end of the investigation

1. The manager will draft a report normally within 10 working days, outlining the process followed, the decision reached and the reasons for the conclusions.

2. The report will be made available to:
    1. The complainant
    2. Any alleged offender
    3. The Board of Trustees

3. This investigative report will be the basis of the case file. It may also be used as a management statement of case for any formal disciplinary hearing or used at any appeal hearing under this complaints procedure.

4. If there is no case to answer, all records of the matter will be disregarded entirely.

5. If the disciplinary procedure is invoked and the allegation is upheld, then action will be taken up to and including summary dismissal.

6. If an allegation cannot be substantiated following a formal investigation, and there is a reasonable belief that the complainant acted maliciously, disciplinary action may be taken against him or her. The complainant should be reminded before the investigation begins that making a malicious allegation constitutes a disciplinary offence. However, the manager to whom the complaint is made needs to be made aware that this is not to be done in such a way as to discourage complaints, and should be handled sensitively.

7. In cases where the parties are to remain in the service of FCENS, yet are from the same work area, it may be necessary for them to be separated. Wherever possible, it will be the offender who is moved if a complaint has been upheld against him/her. Even if the complaint is not upheld, the complainant and the alleged offender may still be separated, where practical, in the interests of good relations.

8. Resistance to a complaint, either by confrontation by the alleged offender or by complaint to management, can sometimes result in further victimisation of the complainant. This may include hostility, criticism of work performance, transfer, loss of promotion or job. The Trustees view such victimisation as wholly unacceptable and, if founded, such allegations could lead to summary dismissal of the victimising party.

Right to appeal

The complainant can appeal against the manager's decision following the investigation. This appeal must be made to the Chair of Trustees, in writing within 5 working days of receiving the decision in writing.

This appeal will be to the Trustees, who will convene a hearing to examine the findings of the investigation. The panel will comprise of two Trustees. The decision rests with the Trustees. Other panel members may be present to provide impartial advice on the issues presented and should not have previously been involved with the case being considered.

The Trustee dealing with the hearing will give a decision within 10 working days, this decision is final, and should be given in writing to the appealing party(ies).

The effectiveness of this policy is subject to review, monitoring and revision every 12 months (or sooner if work activity or legislation changes.)

Signed: Ian Drury

Position: Chair of Trustees
Date: 31st May 2024

Appendix 1

FCENS Complaint/Grievance form

FCENS takes all complaints of discrimination, harassment and unethical, unfair or inappropriate conduct as serious matters and as such will properly investigate all concerns of staff or volunteers.

You are requested to fill out this form as completely as possible. Please use additional sheets of paper where needed. The Trustees will initiate a prompt and thorough response and investigate your concerns. When complete, you will be notified of the Trustees conclusion and where appropriate, the intended course of action. Should you have any questions about the process, please note them below and we will do our best to answer them.

Name :	**Date and time of Incident:**
Place incident occurred:	**Summary of nature of complaint:**

1 Please describe in as much detail as possible the nature of your complaint. Please provide or identify all known persons, documents or witnesses to your concerns.

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2 Please describe how the actions you complain about affect your ability to perform your duty

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3 Please describe any positive solutions you believe may help resolve your complaint

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4 Please provide any additional comments you wish the Trustees to consider when investigating your complaint

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I declare that all the facts set forth in this document are true and accurate as far as I am aware.

Employee signature ..... Date completed .....

For Trustee use only:

Date complaint received	
Investigating Officer	
Date report presented to Trustees	
Date outcome reported to complainant	