



Rising Sun Arts Centre

Employees and Volunteers Grievance Policy

Section A: Employees Grievance Policy

The volunteer grievance procedure can be found in Section B of this document.

1. Raising a Grievance Informally

Any employee who has a grievance relating to their employment may raise the matter informally with the Board of Trustees during the course of normal work. This is not part of the grievance procedure. Only if the matter is not resolved between them should the formal grievance procedure need to be used.

A list of example situations which may lead to the grievance procedure being used is below (please note this list is intended to be non-exhaustive):

- Discrimination,
- Bullying or Harassment,
- Changes to, or issues with, existing terms of conditions of employment,
- New working practices,
- Organisational change,
- Health and safety issues,
- Issues with the working environment.

2. The Formal Grievance Procedure

Stage 1

The employee should put their grievance in writing. The employee does not need to state that their complaint is a formal grievance, however it would be helpful if they would do so.

Stage 2

Once a written grievance has been received by the employer, then the organisation has a responsibility to investigate the matter and to invite the employee to a formal grievance hearing, with the Board of Trustees.

The employee may at this stage, if they wish, be accompanied by another employee/volunteer from the organisation or a trade union official or representative in accordance with the provisions of the Employment Relations Act 1999 when requesting that an issue be raised formally.

The Board of Trustees is required to:

1. Record full details of the matter, or accept signed written details of the matter
2. Provide an answer in writing to the employee with a copy to the representative, if any. Should the employee then wish to take the issue to the next stage of this procedure, the supervisor shall notify the Stage 3 Trustees without delay.

Under the statutory standard grievance procedure, a grievance hearing must not take place unless the employee informs the employer of the basis of their grievance. Also, such a hearing must not take place unless the employer

has had a reasonable opportunity to consider their response to that information.

The timing and location of the grievance meeting must be reasonable. Therefore should an employee make a complaint with regards to an unacceptable working environment, the meeting would usually take place away from this environment and in most circumstances the meeting will take place during the employee's or volunteers normal working hours.

If it is not appropriate for specific Trustees to attend the hearing, the employee may request for alternative Trustees to attend the hearing.

Stage 3 (Appeals)

The Stage 3 a member of the Board of Trustees, will arrange to meet the employee concerned. At this meeting the employee or volunteer may be accompanied as at Stage 2.

The Trustee is required to:

1. Record full details of the matter, or accept signed written details of the matter
2. Provide an answer in writing to the employee.

The decision of the Stage 3 Trustees will be final.

3. Time Limits

Under the Employment Relations Act 1999, if the employee chosen companion (fellow worker or union official or representative) is not available on the day of the meeting the employee or volunteer may reasonably request that the meeting be held on another day within five working days of the selected date.

The various steps of the procedure should be held within a reasonable time. Often the procedure will give an indication of these times but they should not be fixed, as it may not be possible to meet them. For example, if a detailed investigation is required, time will have to be extended.

In the absence, for any reason, of the appropriate management representative, the procedure may authorise any other executive of the Organisation to take the necessary action on their behalf. At the request of the employee or volunteer, however, consideration may be deferred until the return of the appropriate management representative.

Although there are time limits within which answers to grievances are to be given, it is important that grievances are dealt with as quickly as possible, and as close to the level of origin as possible.

Notes:

1. The Employment Rights Act 1996, s.3 requires an employer to specify in an employee's written statement of employment particulars, a person to whom the employee can apply to seek redress of any grievance relating to their employment and the manner in which any such an application should be made.

Although the grievance procedure does not need to be provided as part of the written statement, the document does need to be readily accessible to the employee (e.g. it could be contained in the staff handbook).

The employer who fails to ensure this can incur a financial penalty if one of their employees brings a successful claim under the tribunal jurisdictions set out in Sch.5 of the Employment Act 2002. The employee may be awarded two or four weeks' pay: Employment Act 2002, s.38.

2. An employee may be able to establish constructive dismissal either if the employer has no procedure or fails to deal with a grievance under the procedure. It is an implied term of the contract of employment that the employer will give employees a reasonable opportunity to obtain redress of grievances.

3. A grievance procedure should be simple, set down in writing and rapid in operation. The procedure should provide that grievance proceedings and records should be kept confidential.
4. An employee has a statutory right to be accompanied by a representative at a grievance hearing. A grievance hearing is defined as one 'which concerns the performance of a duty by an employer in relation to a worker' (Employment Relations Act 1999, s.13).
5. The Trustee dealing with an employee's grievance should respond in writing to the employee setting out the basis on which the grievance is accepted or rejected. It is important that there is not undue delay in responding and that the decision is full and reasoned.
6. It is an implied term of the employment contract that an employer will give employees a reasonable opportunity to obtain redress of grievances. In *W A Goold (Pearmak) Ltd v McConnell* [1995] IRLR 516, the EAT held that the failure of an employer to give employees a reasonable opportunity to obtain redress of grievances was a breach of the implied term of trust and confidence entitling the employee to resign and claim constructive dismissal.
7. An employer should ensure that careful notes are made of grievance hearings. Records of grievance hearings should be retained setting out the nature of the grievance raised, the employer's response, any action taken and the reasons for it. Unsuccessful grievances can be followed by an employee resigning and claiming constructive dismissal. It is therefore important for the employer to have written documentary evidence on how the grievance was handled.
8. Records of grievance hearings should be kept confidential and retained in accordance with the Data Protection Act 1998.
9. Employers should check their grievance procedures to examine if they reflect or are consistent with the statutory grievance procedure. Employers should always follow the requirements of the statutory procedure. Failure to do so could result in an award of compensation being increased by 50%.
10. Since 1 October 2004, all employers (and employees) have had a legal obligation to follow the statutory grievance procedures.

Section B VOLUNTEER COMPLAINTS POLICY AND PROCEDURE

1. **Introduction.** The Rising Sun Arts Centre wants to ensure that volunteers feel able to raise complaints about the way they are being treated in the knowledge that they will be dealt with in a way which is fair, transparent, objective and respectful. Volunteers will be made aware of each stage of the process, what it will entail and who will be involved. While it is important for the process to be based on the principles of a sound grievance procedure, it is not appropriate for the two to be the same.
2. **Scope.** Any serving volunteer (including trustees), or a volunteer who has left within the last three months may use this procedure. If a volunteer has decided to leave for a reason not associated with behaviour or performance, the complaint must be handled under this procedure. The Managing Volunteers Performance Procedure should be used for all matters relating to behaviour or performance.
3. **Principles** Volunteer complaints should be handled according to the principles underpinning the Rising Sun Arts Centre's approach to complaint handling. The intention in complaint handling should be to resolve the matter at the earliest stage. There should be acknowledgement of responsibility with an explanation or apology where appropriate.

4. Complaints process Throughout the complaints process, details of the complaint will only be shared with the relevant people. At no time will details be shared more widely within The Rising Sun Arts Centre. This is particularly relevant to the trustees, as they need to remain independent in case the complaint reaches Stage 2. People involved in making decisions on complaints at one stage will not be involved in making decisions at a further stage.

5. Meetings

- A volunteer making a complaint can be accompanied to any meeting by someone from the bureau (either a paid staff member or volunteer) at any stage of the process but their role will be as a supporter, not an advocate.
- All meetings will be minuted and minutes agreed by both parties.
- At any point the bureau may consider the use of external, independent mediation services to resolve the issue.

6. Informal stage

Volunteers are encouraged to raise any complaints informally with the person to whom they report (for example a volunteer team leader or a member of the Operations Team or a Trustee or some other appropriate person if the complaint is about the person to whom they report). Complaints can be made verbally or in writing, but notes of the complaint should be made as soon as possible. This person will keep a record of any discussion and ensure that agreed action is followed up in a timely manner. If the volunteer raises a complaint of bullying, harassment or abuse, the dignity at work policy for volunteers should be consulted.

7. Formal stages

7.1 Circumstances for formal complaint. A more formal process must be followed if the volunteer feels that:

- A) the informal process did not address their complaint
- B). they are unable to approach the person to whom they report because they perceive them to be the root of the problem.

7.2 Stage 1

The volunteer must put their complaint in writing to the person to whom they report, or to a more senior volunteer / Trustee, as appropriate. If the complaint is against paid staff, then it should be made directly to the Board of Trustees. Care should be taken to ensure that the person investigating the complaint does not involve all the trustees as this may jeopardise the review process. If the complaint be about the trustees, the Rising Sun Arts Centre will consult externally to the board with an impartial third party. The person investigating the complaint must be someone who is neither implicated in, nor part of, the complaint. They need to reach a full understanding of the problem. They will need to talk to the volunteer and may need to interview other staff or volunteers. They will also examine any written material, as appropriate. Whoever is

investigating should consult guidance on conducting investigations and keep notes and records of what they have done and how they reached their decision. The complaint will be investigated within 20 working days of receipt. The decision made by the person investigating will be explained clearly, first face-to-face, and then in writing to the volunteer. They will ensure that all issues raised have been fully addressed. If the person investigating feels that any issues do need to be resolved, the letter will set out how this will be achieved and a timescale. The letter will also clearly set out details of the second stage of the process.

7.3 Stage 2

If the volunteer remains dissatisfied with the way their concerns have been handled, or feels that there are issues which remain unaddressed, then they can refer their complaint to the board of the trustees – who may delegate the matter to a fellow trustee or a person independent of The Rising Sun Arts Centre (e.g. if he or she has a conflict of interest or needs guidance from an outside body). The volunteer must refer their complaint in writing. The trustees will review the way the initial complaint was handled and how decisions were made. They will ensure that a proper process was followed, that any decisions reached were made fairly and accurately, and that no issues were left outstanding. The review will be undertaken within 20 working days of the request. If the trustee believes that the process followed by the person who made the original investigation was fair, then they will explain this in writing to the volunteer and include their reasoning. If the trustee believes that the process was not fair, then they will instruct another investigation, identifying the issues which need to be resolved and a timescale for doing so. This investigation will be undertaken by someone not involved in the original one.

Date reviewed: July 2026. Updated to reflect change in RS staff structure – no paid Centre Manager in post.