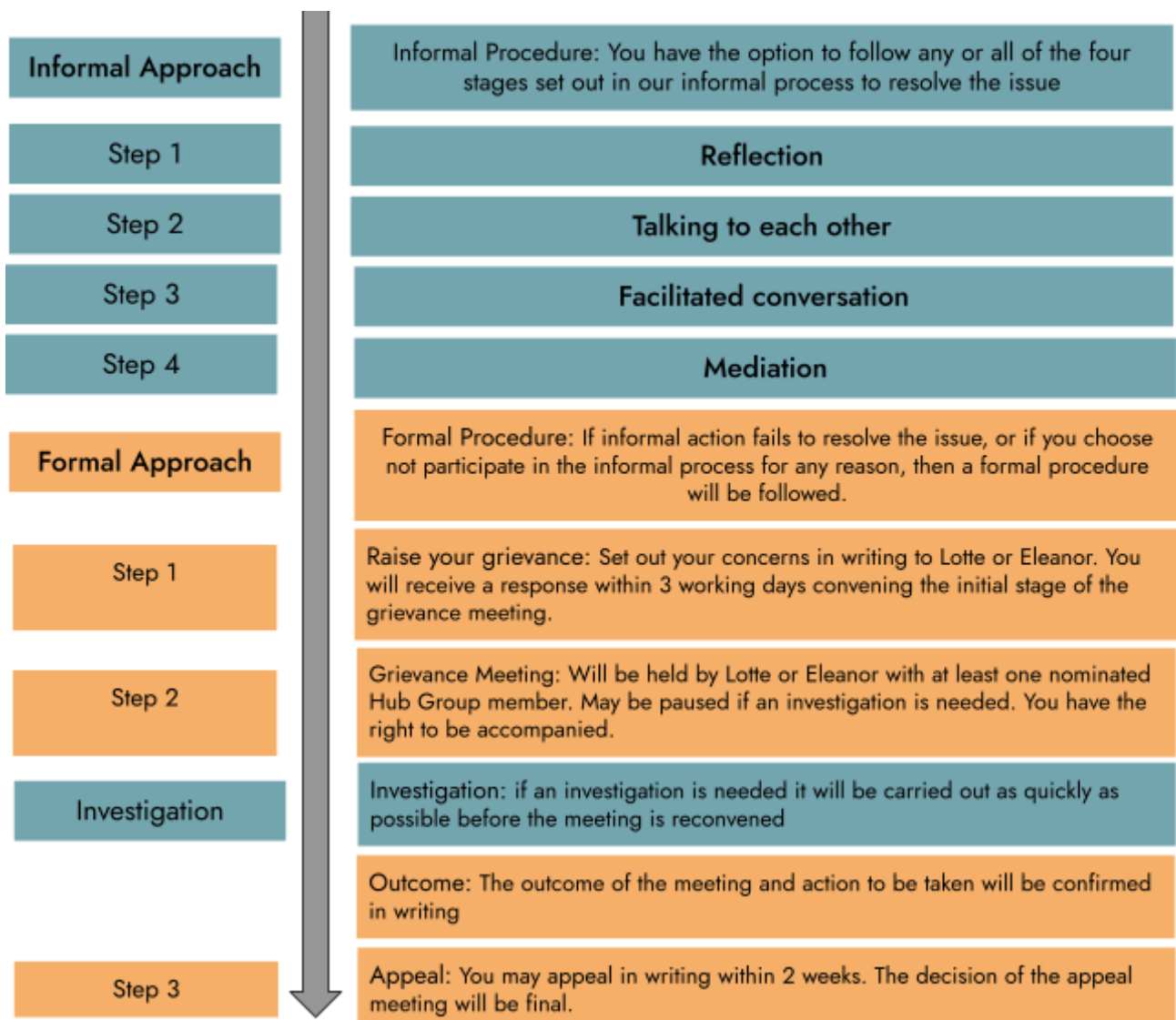




Grievance Procedure

Summary of our process



Our aim and our approach

At Wharf Chambers how we work is as important as what we do and this applies to our internal policies and processes too. We aim to support and encourage everyone to raise any problems they are facing at work, so that we can address them fairly.

Within our collective we strive to empower everyone who works here and to give everyone an equal voice, including when things go wrong. Although we aim to work as non-hierarchically as possible, we acknowledge that unofficial hierarchies may exist to some degree. Our ongoing work on Safer Spaces means that we know that not everyone is starting from the same place in terms of past experiences with conflict, confidence levels in group situations, confidence in written communications etc. Partly because of these differences, imbalances in power dynamics between people can be significant and we want to acknowledge this in our approach to addressing conflict including via this grievance procedure.

We think collective accountability is essential for getting the best outcome and minimising harm in difficult situations - this means everyone taking responsibility for acknowledging and addressing hierarchies, listening to each other, offering support, honest self-reflection and a willingness to engage in resolving conflict constructively.

We also know that everyone is human and that mistakes happen. We want to move away from what we see as a conventional workplace culture of 'blame and shame' to something restorative, transformative and healing for all parties wherever possible.

This document has been written to help everyone understand how we will approach supporting each other to work through difficulties that arise and how our internal grievance process works. It covers the informal, supportive action we will take to address problems in their early stages as well as the formal procedure we will follow if resolution cannot be reached. While we always encourage engagement in mutually supportive efforts to address

issues, we recognise that this isn't always possible and that a more formal procedure may sometimes be needed.

Our approach to dealing with a grievance is informed by our guiding values that:

- Everyone is equal & their time is equally valued.
- Informal hierarchies are to be acknowledged and minimised as far as possible
- There will be no tolerance of any form of abuse or discrimination

We act on the basis of the best information and evidence available, and we work with compassion, treating people fairly whilst recognising everyone as individuals and we are committed to undertaking this process with:

- Consistency
- Fairness
- Proportionality
- And without bias

We will always try to meet face to face to discuss grievance issues at whatever stage of the process, but this may not always be possible and we may have to hold meetings remotely.

This document applies to employees who have successfully completed their probationary period with more than six months of employment with us.

If you encounter difficulties with any part of this process including around your wellbeing or if you need us to make reasonable adjustments to support a disability or English is not your first language, please let us know as soon as you start any part of this process so that we can help.

Defining a grievance

A grievance is a complaint, problem or concern related to the workplace, job or co-worker relationships. It can relate to unfairness or concern around any issue arising in the workplace. This can range from a policy not being applied equally and fairly to difficulties between co-workers to very serious issues around discrimination, bullying and harassment.

As an employer, we are required to follow a fair process if an employee wishes to complain about their working conditions or about one of their co-workers. This process is known as a grievance procedure. We follow the [Acas Code of Practice on Disciplinary and Grievance Procedures](#) to help us make sure everyone involved is treated fairly, and to make sure all issues are dealt with promptly.

We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our disciplinary procedure.

A note about who will be involved in the various stages of our grievance process

Our approach is informed by the Acas Code of Practice which recognises that small organisations may have limited resources to conduct a grievance process.

We have identified that those with HR responsibilities (currently Lotte and Eleanor) are well placed to be involved in this process because of their knowledge and experience. In order to help maintain impartiality, only one of them will take the initial lead in any grievance matter, leaving the other free to act in any appeal situation with as little prior knowledge of the issue as possible.

While it makes sense to draw on the knowledge and experience of individuals or teams, we also recognise that as a collective, we don't want responsibility for particularly difficult situations to sit solely with any particular individual. In order to help address this and in order to ensure those identified to lead the process are well supported, we will draw on nominated Hub Group members to work with them at the various stages as set out in our formal procedure below. Those involved will, of course, treat the process and related information confidentially.

We are committed to ensuring that Hub Group members are well briefed to provide support and endeavour to include training to deal with grievances as part of the shared responsibilities of these members.

We will of course avoid asking any Hub Group members who are involved in a grievance to provide support during the process wherever possible.

If your grievance involves Lotte or Eleanor, you may raise your grievance with a trusted Hub Group member instead.

Our **informal** approach

We encourage everyone to take an informal approach to addressing their workplace concerns in the first instance. This doesn't mean that there is not a well defined process in place and ours is set out below.

However, we recognise that everyone has the legal right to raise a formal grievance if they choose not to participate in this stage.

In some cases, we will move straight into a formal grievance, for example if something very serious has happened where the person concerned does not feel safe or comfortable enough to participate in the informal process.

Our informal process

If you feel safe and comfortable to do so, we encourage you to move through each of the following steps to help you find a resolution to your concerns. You can skip to whichever stage feels appropriate for the circumstances if needed.

1. Reflection

Take some time to step back, particularly if there have been any heated moments, and reflect on what's happened. Take the opportunity to articulate the issue and record what has happened both factually and in terms of the impact it has had on you. It might be useful to consider whether your actions have played a part in what is happening, whether any of our processes have contributed to the issue, how you think the situation might be addressed, what could your role in resolution be etc.

2. Ask to talk

Approach the other person to see if they would be willing to talk about what has happened and whether any solution can be found to move forward.

3. Facilitated conversation

If the situation hasn't been resolved at this point, ask Lotte or Eleanor if they could arrange for a facilitated conversation to take place. This will allow an opportunity to share perspectives, make requests of each other and to identify steps to resolve the issue. A member of the organisation who is not involved in the situation would be chosen by mutual agreement, or we may agree that an external person from a like-minded organisation could do this.

4. Mediation

If everyone is willing to participate and no resolution has been reached at this point, we may consider paying for a trained external mediator to help.

At this informal stage, we will keep confidential records of the steps taken to address the issue. These will be shared with the people directly involved in meetings to ensure their

accuracy and as needed should the formal stage of our grievance process be initiated i.e. as part of an investigation.

Our **formal** process

Step 1: Raising a formal grievance

Raising a formal grievance means officially raising a concern, problem or complaint with Wharf Chambers as your employer. This may be about something related to our organisation or someone you work with and usually happens when you have been unable to resolve the issue through informal processes or because the concern is particularly serious in nature. You may, of course, raise a formal grievance at any point if you wish and will not be treated less fairly if you choose not to participate in the informal stage of our process.

To raise a formal grievance you should raise the matter in writing with either Lotte Shaw or Eleanor Fellows who will respond within 3 days of receiving it. You should include the following information:

- state that you are raising a formal grievance
- set out the nature of the issue
- information about what has happened
- any information you may have to support your grievance e.g. an email thread, the names of anyone who may have witnessed a particular incident etc.
- what action you would like to see taken to resolve the situation
- details of any attempts that have been made to resolve the issue so far
- whether you would like someone to support you throughout this process (including accompanying you to meetings) and who you would like this to be. You have a statutory right to be accompanied. We're happy for this to be a co-worker, a friend or family member or a Trade Union official, though you don't have to bring anyone along if you don't want to. Where you wish to be accompanied by a co-worker, we will make arrangements to cover their shift if needed, though if someone feels

uncomfortable being asked to accompany you to a meeting, you shouldn't put pressure on them to do so - there is no duty on anyone working at Wharf Chambers to act as a companion if asked, although they may be required to provide information as part of an investigation or hearing. If you are unable to find a co-worker willing to accompany you, please feel free to invite someone from outside of our organisation as set out above or speak to whoever you addressed your grievance to if you are unsure what to do.

If writing a grievance is difficult for you, please also let them know so that they can help you raise your concerns formally.

Step 2: A grievance meeting (sometimes called a hearing)

We will invite you to a grievance meeting (which is sometimes referred to as a hearing) within 1 week with whichever of Lotte or Eleanor you addressed your grievance to. At least one nominated Hub Group member will also attend the meeting where we will discuss the issue you have raised.

You are entitled to be accompanied by a co-worker, trade union official, friend or family member and you should tell us who this will be when you initially raise the grievance as set out above.

This meeting will provide you with the opportunity to explain the details of your complaint further and talk through the action you suggest should be taken to resolve the matter. It will also help us decide if we need to look into the matter in more detail by carrying out an investigation before continuing.

If at any point it seems as though an investigation is needed e.g. because we need to talk to other people who may have been involved, we will pause the meeting in order to gather more information. Further details of our investigation process are set out below.

If an investigation is not required we will continue with the meeting.

If you are unable to attend the grievance meeting you should let the person conducting the meeting know as soon as possible, so that we can arrange an alternative date.

In the event of any of the participants in the grievance hearing being unable to attend at the mutually agreed time, the meeting may be postponed once to another time to suit all parties.

In the event of sickness of the person making the grievance, the meeting may be postponed for up to 4 weeks.

Although we will always do our best to support your involvement, if you don't attend the meeting and don't offer an explanation for your absence, the grievance meeting may take place without you, using your written grievance statement and any other documentation available.

With your consent the meeting may be recorded so that we can have an accurate record of what was discussed. Alternatively we can invite a note taker to attend. Notes will be shared with all in attendance to agree.

At the end of the meeting we will let you know when you can expect to receive the outcome.

If the grievance meeting is paused to allow an investigation to take place, we will carry this out as quickly as possible and we will let you know how long we expect this to take.

The grievance meeting will then be reconvened with the same people present and a decision will be made based on all the evidence available.

The final outcome of the grievance may be that:

- The grievance is upheld
- The grievance is not upheld

The outcome of the grievance hearing will be communicated in writing within 3 working days to:

- The person who raised the grievance. We will share the outcome of the investigation, including information about any actions we are taking to address the issue.
- The person the grievance has been raised against.
 - If the grievance is upheld it may lead to action being taken under the terms of our Disciplinary Policy.
 - If the grievance is not upheld we will seek consent to share a short statement with others who have been involved in the process e.g. those asked to provide evidence during an investigation, explaining the outcome of the case. We will not share any details other than confirming the outcome.

Investigation

Where further investigation is needed to determine the circumstances of a grievance, this will be carried out as quickly as possible, so that the grievance can be dealt with without unreasonable delay. We're a small organisation with limited resources and mostly part-time workers, but we will aim to conduct and complete the investigation within 1 week, so that the grievance meeting can be reconvened promptly. However, there may be circumstances where an investigation may take longer in order to ensure we are able to collect all the available information. We will let you know if this is the case.

The investigation will consider the available evidence, consult the relevant policies, and speak to anyone with relevant information. All investigations will start with a written plan stating:

- what is being investigated
- who is carrying out the investigation
- who will be spoken to in order to find out more about what happened
- what evidence will be used e.g. emails, online meeting recordings etc
- what policies or workplace guidelines need to be taken into account

- the expected timeframe
- any other relevant information

The investigation may look at the wider systems and structures in place within our organisation if there is reason to believe that they may have contributed to the grievance.

In cases of harassment or personal abuse/ assault, the investigation must include appropriate arrangements to protect the personal safety of any witnesses. We will seek to make reasonable arrangements to ensure witnesses are able to give evidence in ways that are most comfortable for them.

The investigation will be conducted by Lotte or Eleanor (whichever of the two began the grievance meeting with you) with support from the same nominated Hub Group member(s) involved in the grievance meeting so far. They will keep records of the information gathered and will remain responsible for conducting the formal grievance meeting (hearing).

You may be asked to participate in an investigation even if you have not raised or are the subject of the grievance, but because you may have witnessed an event, or have information about what has happened. You may be asked to provide written information or to meet with us to tell us about any information you may have (notes will be taken in these circumstances).

At the end of the investigation, the report may include recommendations such as:

- Formal action. This might be to make a change to a policy or procedure, for example, or to recommend a further separate investigation if other matters are highlighted.
- Informal action. This might include training, mediation or counselling, for example.
- No further action. We may make suggestions for anything we think might help to support anyone involved in this process.

The grievance meeting will then be reconvened and will continue to be conducted by whichever of Lotte or Eleanor you raised the grievance with along with the same person or

people from our nominated Hub Group members, at a mutually agreeable date and venue.

Step 3: Appeal

If you are not satisfied with the outcome of the grievance meeting, you may submit a formal appeal in writing within 2 weeks of receiving the outcome.

Your appeal should be directed to whichever of Lotte or Eleanor were not involved in the grievance meeting and investigation, clearly setting out the reason why you are appealing the decision. It is helpful if you can be as specific as possible about why e.g. because you have extra information to share, or because you felt someone was not impartial, rather than that you disagree with the outcome.

If writing is difficult or less possible for you, please raise this so that we can help you write up your appeal letter or make suitable alternative arrangements.

Your appeal will be heard at a formal meeting conducted by either Eleanor or Lotte (whichever was not involved in the initial stages of this process), along with at least one other person drawn from our nominated Hub Group members who has not been involved in the grievance so far. You are entitled to be accompanied by a colleague, a trade union official, a friend or family member.

This meeting will take place as soon as possible, and within 2 weeks of submission of your appeal at a mutually agreeable time and venue.

With your consent, we may record the meeting. If you would prefer us not to do this, a note taker will be appointed to take minutes instead. A copy will be distributed to all attendees.

We may ask for external support at the appeal meeting in some circumstances, for example from another trusted organisation, to be mutually agreed with you.

In the event of any of the participants in the appeals hearing being unable to attend at the mutually agreed time, the meeting may be postponed once to another time to suit all

parties. In the event of sickness of the person making the appeal, the meeting may be postponed for up to 4 weeks.

If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the meeting may take place in your absence, based on your written grievance statement, appeal letter and any other supporting evidence.

The people who heard the appeal will give you their decision either at the meeting or within five working days. The outcome will be confirmed in writing.

This decision is final and no further appeal will be accepted.