



## Grievance and Complaints Policy and Procedure

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4	NB	Policy check and revision	7.2.20	17.2.20	FEB 2021
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\*ratified via email between board meetings

**This policy applies to all Executive Directors and members of staff, volunteers, and freelance workers contracted to Quench Arts C.I.C and also covers participants on Quench Arts programmes.**

### Introduction

The aim of this policy is to enable any Director, Employee, Freelancer and Client/Participant/Project Member/Trainee of Quench Arts, who has a grievance, to pursue the matter in a fair, open and systematic manner.

It is a principle of this policy that grievances will be dealt with by all concerned as a priority.

Anyone who invokes this policy shall have the **statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. We will consider reasonable adjustments for disabled employees, for example by allowing someone else to be their companion, such as a support worker or someone with knowledge of the disability and its effects.**

The policy is designed to deal with individual grievances arising directly out of the employment, participation, or other involvement, with Quench Arts.

The Quench Arts Executive Directors are required to inform the complainant of the appropriate personnel who are authorised to deal with the individual grievance after the initial involvement of their Line Manager, contract manager or project leader identified in Stage 1 below.

A grievance may be lodged in any circumstances where an individual feels that a case is to be answered by a representative of Quench Arts, or against the Board, however potential complainants are advised that other policies may be more relevant in the first instance. If the individual feels that Quench Arts has failed to act according to this policy then this grievance policy might be invoked appropriately.

## **Procedure**

### **Stage 1**

We are a learning organisation and are always keen to hear how we might make improvements. In order to do so, though, we need to hear about any suggestions or issues. Anyone who has a grievance must, in the first instance, refer the matter orally to his/her Line Manager, contract manager or project leader who will attempt to resolve the matter within five normal working days of receipt of the complaint. If the originator of the grievance does not feel they can approach their Line Manager, contract manager or project leader then guidance can be sought from the Quench Arts Executive Directors on [info@quench-arts.co.uk](mailto:info@quench-arts.co.uk) or 07716 362478.

The Line Manager, contract manager or project leader in receipt of the grievance must document the grievance and the steps that they took to further its resolution. A copy of this documentation must be supplied to the Quench Arts Executive Directors.

Please note that all projects have a comments box where participants can post their complaints/grievances/comments which will be treated in the same way as an oral grievance. If the complainant would like to be kept informed as to the actions taken in regards to their grievance, then they should ensure that they detail this on their note in the comments box, together with their name and contact details.

### **Stage 2**

If the decision and/or resolution of the Line Manager, contract manager or project leader taken at Stage 1 is unacceptable to the originator of the grievance, then the matter must be put in writing by the complainant and formally referred to the Quench Arts Executive Directors in order to progress the matter further.

If, and only if, the grievance is directly against one or both of the Quench Arts Executive Directors working for the organisation, then the originator of the grievance should address their grievance to a nominated Non-Executive Director of Quench Arts who is not involved in the day-to-day running of the organisation. Currently, this Non-Executive Director is **Ernon Campbell**. The grievance should be put in writing and sent to **Ernon Campbell** at 'FREEPOST QUENCH ARTS' and marked as CONFIDENTIAL or emailed to [quenchartsboard@gmail.com](mailto:quenchartsboard@gmail.com).

The Quench Arts Executive Directors, in receipt of the written grievance, will immediately acknowledge receipt of the grievance, set a date for the grievance to be heard and will then investigate the matter. As detailed in the paragraph above, if the grievance is directly against one or both of the Quench Arts Executive Directors, the matter will instead be actioned and investigated by the nominated Non-Executive Director instead. Either way, the investigation will include formal interviews with the originator of the grievance, in order to reach a decision. The originator will be asked to attend an interview to answer questions in order to ensure that a full picture of the incident is obtained. A similar, separate interview, will take place with the Quench Arts representative who is the subject of the grievance who, as with the complainant, shall also have the right to be represented and/or accompanied by their Trade Union Officer or **accompanied by a fellow worker, a trade union representative, or an official employed by a trade union** at all stages. Witnesses may also be called to give evidence, as relevant.

Interviews will be documented and that documentation will be made available to the originator and subject of the grievance/complaint along with the final decision of actions to be taken.

A decision will normally be given in writing by the Quench Arts Executive Director(s) in receipt of the written grievance as soon as possible, but not later than ten normal working days (excluding weekends and Bank Holidays) from receipt of the written grievance unless a longer period is agreed by both parties. As an example, an extension to this timeframe may be needed if the originator or subject is unavailable to attend an interview within the given timeframe. Action taken may include, but is not limited to: no action; a written apology; a change to practice/policies/procedures/codes of conduct for staff and/or participants; staff training and development support; disciplinary action.

Where the decision is taken to follow Quench Arts' Disciplinary Procedure in relation to the grievance, due to the confidential nature of personnel records, it may not be possible to inform the originator of the grievance of the level of disciplinary action taken.

### **Stage 3**

If the decision resulting from Stage 2 is unacceptable to the originator of the grievance, there is a right of appeal. The Appeal must be lodged in writing within fifteen normal working days (excluding weekends and Bank Holidays) of the date of the letter giving the stage 2 decision and should be addressed to the nominated Quench Arts Non Executive Trustee (detailed at stage 2) enclosing a brief outline of the grievance and why the Stage 2 decision is unacceptable.

Not all appeals requests will be granted, depending on the nature of the grievance, the actions taken as a result of Stage 2 and the reasons given for appeal. If an appeal is refused, a written response will be given with the reasons why the appeal has been declined and the originator of the grievance will be given details of any next steps that they can take, including legal redress. Declined appeals will not be referred to an external independent arbitrator by Quench Arts.

If an appeal is granted, an Appeals Panel will be formed at cost to Quench Arts and/or the project budget that the grievance relates to. The appeals panel will consist of:

- the nominated Quench Arts Non-Executive Director (currently **Ernon Campbell**)
- one member of Quench Arts' freelance staff who is not (and has never been) employed on the project/course during which the grievance occurred.\*
- one member of the project member advisory board, where this exists for the project/course during which the grievance occurred.\*
- one member of the project steering group, where this exists for the project/course during which the grievance occurred.\*

*\* These members of the Appeal Panel will be appointed by Quench Arts nominated Non-Executive Director (**Ernon Campbell**).*

The nominated Non-Executive Director will immediately acknowledge receipt of the Appeal and will make arrangements with all concerned for the Appeal to be heard and notify all parties of the date of the Hearing. Papers will be dispatched fourteen normal working days (excluding weekends) before the date of the Appeal Hearing. Each party to the grievance will be entitled to attend the Appeals Panel and call witnesses as they think necessary to assist the Panel in its consideration of the grievance.

The Appeals Panel can require any information for clarification from any individual who they consider may assist. Both parties will supply The Appeals Panel with written statements stating their points of view, and these must be supplied to the Non-Executive Director at least seven normal working days (excluding weekends) prior to the meeting.

Evidence which has not been heard at Stages 1 and 2 will not be allowed at Appeal stage.

The introduction of new evidence at Appeal stage by either party will render the grievance being referred back to the appropriate stage of Grievance Procedure for reconsideration.

The proceedings of the Appeal Panel will be documented and that documentation will be made available to the originator and subject of the grievance along with the decision.

Quench Arts will notify both parties in writing of the Appeal Panel's decision within five normal working days of the meeting and at the same time send a copy to the originator's nominated Trade Union or other representative if appropriate.

### **Arbitration**

If the decision of the Appeal Panel is unacceptable to the originator of the grievance then they may make an application for the grievance to be referred to an external and independent arbitrator. Both parties should agree the arbitrator. If both parties are unable to agree, the services of ACAS will be engaged by default. The decision resulting from the arbitration process shall be considered final.

Both parties should be aware that Stage 3 and Arbitration are likely to cause significant expense to Quench Arts which may impact upon the organisation's work. Where possible the Quench Arts Board will aim to resolve all complaints at Stage 2 to a satisfactory resolution.

### **General**

After Stage 1, failure to agree at any stage will require the employee, participant or Trade Union representative to progress the grievance to the next stage of the procedure, unless the grievance is withdrawn.

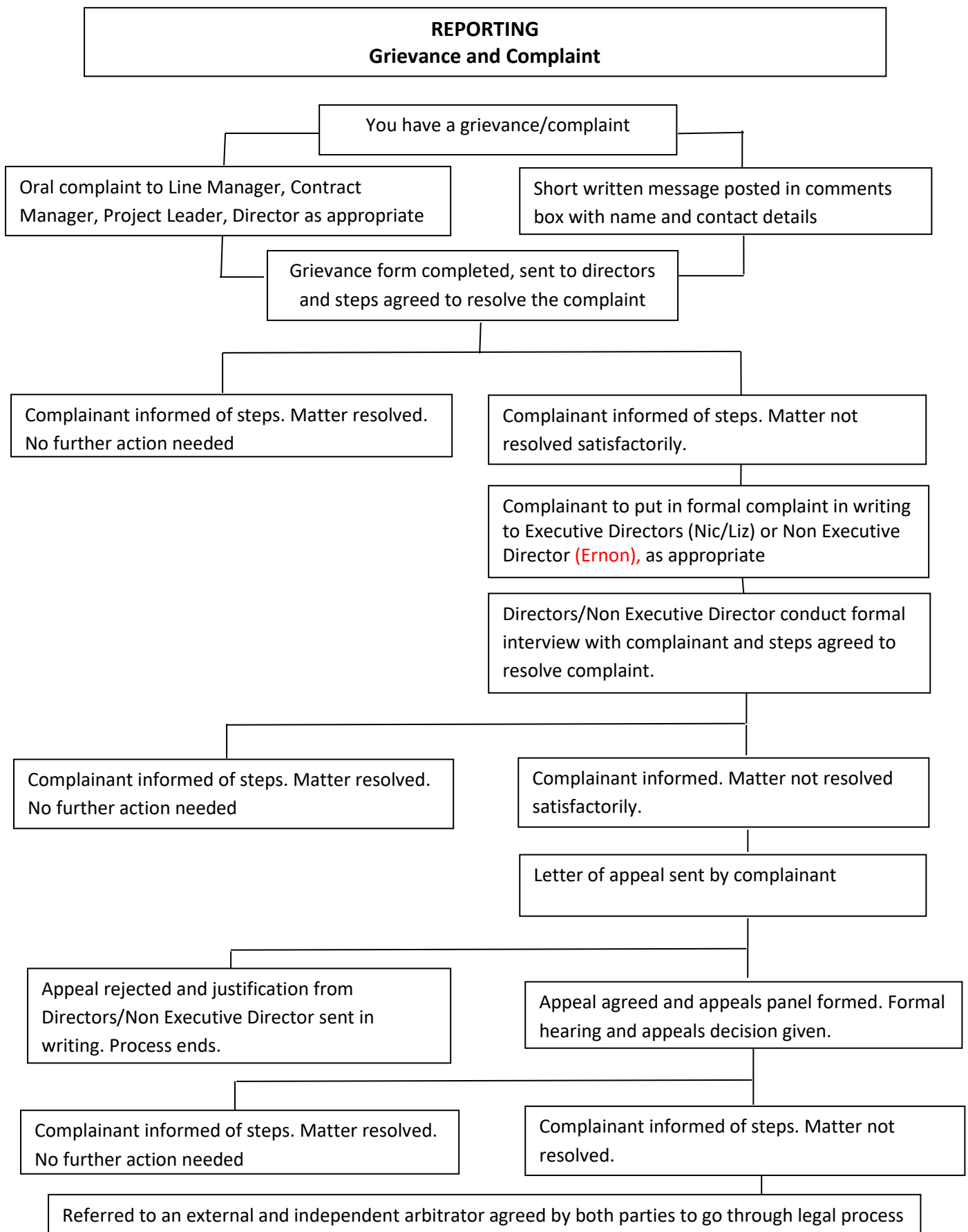
- During the procedure time limits referred to can be altered provided that all parties agree
- This policy is applicable to any Director, employee, freelancer and client/Participant/Project Member/Trainee. Once an employee or participant ceases to be engaged by, employed by, or involved with Quench Arts they have a further 6 months within which to submit a grievance. After this time the process will be closed to them, unless an Appeal had been lodged before the employment ceased and resolution of the problems would still be relevant
- Nothing in the policy disallows informal discussion, which may assist in a satisfactory resolution. However, any originator of a grievance is advised to maintain notes and any other appropriate records of such discussions
- This policy does not preclude the amalgamation of individual grievances, which are similar in nature for convenience at Appeal stage
- Nothing in this policy affects the right of the individual to take the matter to an employment tribunal, or to seek other legal redress.

### **Monitoring, Reporting and Review**

The Quench Arts Board will ensure that Quench Arts Executive Directors monitor the effectiveness of this policy through the collection and analysis of monitoring data using the tools featured in the following appendices. This data shall provide the basis of scheduled Grievance and Disciplinary Policy reports to the Quench Arts Board and subsequent reviews of this policy.

**Partnership Projects:** Where Quench Arts C.I.C. is a management or delivery partner, but not lead, of a project, the project will be delivered in line with the lead partner's grievance procedure. This procedure will be agreed with Quench Arts C.I.C. by the Executive Directors in advance of the project. Complainants will be referred to the appropriate contact within the lead organisation. However, as a learning organisation, Quench Arts are always keen to hear how we might make improvements to our practice and would value the chance to resolve any concerns or issues that occur on partnership projects on behalf of the lead partner as detailed at Stage 1 of this document, if deemed appropriate by the lead organisation. Please note that, in this instance, all documentation and correspondence related to the complaint would be shared with the lead organisation so that they could further respond to the grievance or complaint should it not be resolved at stage 1.

## Appendix 1: Information and Action Flow



**Appendix 2: Recording Grievances and Complaints Incident Log.**

The disclosure log below should be maintained by the Quench Arts Directors and kept in a secure location along with any accompanying documentation.

<b>Complaint number</b>	<b>Type of complaint</b>	<b>Date of complaint</b>	<b>Further action</b>	<b>Notes</b>

**Appendix 3: Grievance/Complaints Form**



**GRIEVANCE/COMPLAINTS REPORT**

Participant's name.....

Address .....

.....

Telephone.....

The grievance/complaint details

.....

.....

.....

.....

.....

Action Taken to Resolve/ Deal with Grievance to Date

.....

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.....

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Does the Participant Feel that this has Resolved their Grievance:                      Yes / No

*If no, please ask the Participant to put their complaint in writing to the Directors at FREEPOST QUENCH ARTS, as per the Quench Arts Grievance & Complaints Policy.*

Artist's name ..... Date of incident/concern.....

Project name ..... Venue.....

Any witness names .....

Signature..... Date of report .....



**IN THE EVENT OF AN OFFICIAL COMPLAINT, YOU MUST CONTACT A QUENCH ARTS DIRECTOR IMMEDIATELY (Nic: 07736 466849 / Liz: 07867 687442). PLEASE REFER TO OUR GRIEVANCE & COMPLAINTS POLICY FOR GUIDANCE.**

**Note for any person assisting a complainant with this form:**

- Keep questions to a minimum and elicit information to ensure that you understand what is being said or communicated. Remember, you are reporting a grievance, NOT investigating it.
- A clear distinction must be made between fact, opinion and conjecture and this must be clearly stated in the report.

Please document:

- The nature of the complaint/grievance.
- The person's account of what happened. Let the individual tell you in their own way.
- Make sure relevant times and dates are included.
- Continue on another sheet if necessary.

**If you are a representative of Quench Arts:**

- Where a resolution or further action is possible and within your remit and responsibility on the project to address, you may action this and inform the originator of the grievance of your intentions. In all cases, you must ask the person with the grievance whether they are satisfied with your response and offer them the opportunity to put their complaint in writing if not.
- Quench Arts Directors are willing to have an informal conversation should you require any advice, support or guidance.