



BSF Grievance Policy **(Incorporating the ACAS Code of Practice)**

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1. Introduction

Any person working within the British Softball Federation may, at some time, experience problems or wish to raise concerns about their work, working conditions or relationships with colleagues or managers: 'a grievance'. Individuals often wish to raise such matters so that their concerns can be addressed and, where possible, resolved. It is in everybody's interests to resolve problems within the workplace at an early stage before they escalate into more significant issues. For this reason, it is British Softball Federation policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay.

Issues that may cause concern include the following:

- Terms and conditions of employment.
- Health and safety.
- Work relations.
- New working practices.
- Organisational change.
- Bullying, harassment or discrimination; or any unacceptable behaviour.
- Client or customer relationships or behaviours which cause offence.

If a grievance relates to:

- **An individual who is under 18 or is classed as a vulnerable adult, the designated safeguarding lead must be informed at the start.**
- **Bullying harassment or discrimination, the British Softball Federation's Unacceptable Behaviour (Dignity & Respect) at Work Policy should be referred to.**
- **Conduct that may be criminal and/or be a safeguarding issue, the matter is to be referred to the statutory authorities.**

Grievances should be brought within a reasonable time (no more than three months after the event complained of) in order to ensure that the organisation can carry out an investigation. Grievances brought outside of this timeframe may not be investigated.

Where the grievance relates to a disciplinary decision, the British Softball Federation's Disciplinary Appeals Procedure will usually apply. However, where an employee raises a grievance during a disciplinary process, this may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. In all such cases proceedings should be paused and advice taken from the HR Advisor.

The policy does not confer contractual rights on individuals and will be reviewed in line with any legislative changes. The Policy may be changed or amended at the British Softball Federation's discretion.

This procedure applies to all employees regardless of length of service.

2. Principles

The principles governing the policy and application of this are as follows:

- our approach to all employees will be consistent and fair;
- all employees will be treated with dignity and respect; and
- our approach will be open and transparent.

In order to ensure that matters are dealt with fairly the following shall apply:

- the employee must inform the employer of the nature of the grievance;
- a meeting will be held with the employee to discuss the grievance;
- employees will be allowed to be accompanied at the meeting;
- a decision will be made on any appropriate action required; and
- the employee will be allowed to take the grievance further if not resolved.

If the grievance concerns the employee's Line Manager or the person who would normally address the grievance, employees should instead raise the matter in writing with the HR Dept/HR Advisor and alternative arrangements will be made.

Each step of the procedure will be taken without unreasonable delay and meetings will be conducted in ways that enable both the employee and the British Softball Federation to explain their case.

If it is not possible for the British Softball Federation and the employee with their companion to attend a meeting due to an unforeseeable reason, the British Softball Federation will reschedule the meeting within the following five working days. In the event of the employee or their chosen companion not attending the rearranged meeting, the British Softball Federation would be entitled to determine the issues in the absence of the employee or their companion based on the information available.

If an employee has difficulty in putting their grievance in writing -- for example because their first language is not English or they have difficulty expressing themselves on paper, they should seek help from a work colleague or make the British Softball Federation aware of any such difficulty by contacting the HR Advisor.

It is recommended that where appropriate, should any serious grievances and/or grievance appeals be received, consideration should be given as to whether or not the investigation is conducted by an independent investigator to prevent any conflict of interest.

3. Informal Resolution

Most grievances can be resolved quickly and informally through discussion with the Line Manager. The British Softball Federation, therefore, recommends that wherever possible to do so, problems and concerns should be raised informally. Successful informal resolution can frequently involve the use of a trained mediator.

If, however, the employee does not wish to raise their concerns via their Line Manager, for whatever reason, here are a number of other ways in which the problem or concern can be raised and resolved informally:

- Discuss with the individual causing the problem – It may be that talking to the individual concerned may resolve the issue(s). It is recommended that wherever possible the employee tries to settle their grievances informally in the first instance even if this is with a person more senior to them.
- Other Managers -- If the employee feels unable to approach their own Line Manager or if the issue is about their own Line Manager they may wish to approach another Manager with whom they feel comfortable.
- HR Advisor – If the employee has tried the options above or feels as though they cannot raise the problem directly with anyone else, then they should speak to the HR Advisor. In these circumstances the HR Advisor may agree to have an informal meeting with the person with whom there are issues. This may help to resolve the problems informally.

If the problems relate to bullying or harassment, the employee may wish to refer directly to the Unacceptable Behaviour (Dignity & Respect) at Work Policy.

4. Formal Resolution

4.1 Let the British Softball Federation know the nature of the grievance

If it is not possible or appropriate to resolve a grievance informally, an employee should raise the matter formally and without unreasonable delay with their Line Manager or if their Line Manager is the subject of the grievance, with their HR Advisor. This should be done in writing, setting out the nature of the grievance and a brief description, which includes any relevant facts, dates and names of individuals involved.

4.2 Investigations

In some cases, it may be necessary to conduct an investigation into the employee's grievance. On receipt of the written grievance, the employee shall be interviewed as soon as possible by the Line Manager (or if they are the subject of the grievance another Manager not involved in the case) accompanied by the HR Advisor.

The British Softball Federation requires all persons involved in grievance investigations to cooperate fully and promptly with this process. This may include informing the NGB of the names of any relevant witnesses, disclosing any relevant documents and attending interviews.

The investigation is conducted before holding a grievance meeting. If after the grievance meeting a further investigation is required, then a second grievance meeting will be held.

4.3 Hold a Meeting to discuss the problem

A formal meeting will be arranged as soon as reasonably possible following receipt of the employee's written grievance and the conclusion of any investigation. The following should attend:

- the employee raising the grievance and their companion;
- the employee about whom the grievance has been raised (the respondent);
- any relevant witnesses;
- the Manager hearing the grievance; and
- the HR Advisor.

Employees and their companions should make every effort to attend the meeting. If the employee or their companion cannot attend they should inform the British Softball Federation immediately, who will try, within reason, to agree an alternative.

Employees will be allowed to explain their grievance and make suggestions as to how they think it can be resolved. Respondents and witnesses, if attending, will be asked to give a statement if appropriate.

4.4 Allow the employee to be accompanied at the meeting

Employees have a statutory right to be accompanied at a grievance meeting which deals with a complaint about a duty owed by the employer to the employee, for example where the complaint is related to a breach of contract or legislation. However, it is the British Softball Federation's policy that employees may be accompanied if they wish.

In such cases as above the chosen companion may be a work colleague, a trade union representative or an official employed by a trade union.

To exercise the right to be accompanied the employee must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it is unreasonable for employees to insist on being accompanied by a companion whose presence may prejudice the hearing, or by a companion from a remote geographical location if someone suitable and willing was available near-by.

The companion may address the hearing to put and sum up the employee's case, respond on their behalf to any views expressed at the meeting and confer with the employee during the hearing. They do not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

4.5 Decide on the appropriate action

Following the meeting, the British Softball Federation will adjourn to decide on what action, if any, to take. If further investigations are required these will be conducted without unreasonable delay.

Decisions will be communicated in writing as soon as reasonably possible after the meeting has taken place and will set out what action the employer intends to take to resolve the grievance and, where appropriate what the employer may require of the employee. The employee will also be informed of the right to appeal the decision if they are not content with the decision making or the action taken.

4.6 Allow the employee to take the grievance further if not resolved

Where an employee feels that their grievance has not been satisfactorily resolved they have the option to appeal the decision. The employee should let the British Softball Federation know the grounds for their appeal within 5 working days of receiving the outcome letter. This must be in writing to the HR Dept.

Appeals will be heard without unreasonable delay and at a time and place which will be notified to the employee in advance. The British Softball Federation will normally involve the HR Advisor. Employees should take all reasonable steps to attend.

The appeal will be dealt with by a Manager and the HR Advisor if not previously involved in the case. Employees have the right to be accompanied at any such appeal hearing by a fellow colleague, trade union representative or official employed by a trade union. The outcome of the appeal will be communicated as soon as possible following the appeal meeting and will confirm that this is the final stage in the Grievance Procedure.

5. Other points for consideration

Mediation is an extremely effective method of resolution in the majority of cases, and should always be considered from the outset. It is important to use a trained mediator.

In the majority of cases any grievance raised by an employee will be dealt with in line with this policy. However, on occasion, where the British Softball Federation believes that, following an investigation, a grievance raised is vexatious or malicious, the NGB may decline to deal with it on this basis. In addition, where the NGB feels that a vexatious or malicious grievance is not in line with its core values, it may be considered under the British Softball Federation's disciplinary policy if appropriate. Such instances will be rare and the British Softball Federation does not wish to discourage employees from raising valid grievances.

The welfare of all parties is an importance consideration during the process. Managers are to ensure that both the complainant and respondent:

- are able to have a companion to support them if desired;
- are kept briefed on the process if there is an investigation;
- are able to access welfare support; and
- do not have to work together if it will make the situation worse.

6. Grievances on or after termination of employment

Where a grievance continues or is raised on or after termination of employment, a modified procedure shall normally be adopted by the British Softball Federation and the grievance shall be determined by the appropriate level of management decided by the organisation.

In summary, Step One requires a Statement of Grievance which the employee must set out in writing including the basis for the grievance and send this to the British Softball Federation. Step Two will involve the British Softball Federation setting out their response in writing and sending it to the individual. There is no requirement in this procedure to hold a meeting and there will be no right to appeal the decision.

7. Frivolous, Vexatious and Malicious Grievances

If during the investigation it becomes clear that the grievance would meet the test for being considered frivolous, vexatious or malicious, the investigator can close the case after discussion with, and ratified by, the HR Advisor.

7.1 Meaning of frivolous, vexatious and malicious

The generally accepted meanings of these words are as follows:

- **Frivolous** – trivial, trifling or futile, not serious.
- **Vexatious** – causing or tending to cause irritation or distress; not having sufficient grounds for action and seeking only to cause annoyance.
- **Malicious** – bearing active ill-will or spite; having wrongful intention toward any other.

7.2 Factors which may indicate that a grievance is frivolous, malicious or vexatious

There are a number of factors that could contribute to a determination that a grievance is in this category. These factors are that the grievance:

- Adds no new information from a grievance which has already been determined by the British Softball Federation.
- Continually changes, apparently to prolong an investigation.
- Fails to identify clearly the substance or precise issues to be addressed.
- Is made by a person who makes excessive contact or unreasonable demands, including abusive behaviour and threats. This type of grievance may be considered under the discipline policy.

Finally, it is the grievance, not the person making the grievance, which must be considered. Where an employee has made a vexatious or malicious grievance in the past, it cannot be assumed that any future grievance will also be vexatious or malicious.

8. Confidentiality

Employees should not discuss any disciplinary matter with staff other than the HR Advisor, managers involved in the process and the employee's own companion. Failure to maintain confidentiality may result in further disciplinary action being taken.

9. Exceptional Circumstances

In cases where it is not practical to conduct the procedure fully and expeditiously, for example in the absence of a key manager or witnesses, the procedure will be conducted as swiftly as possible.

The British Softball Federation reserves the right to commission an external professional to undertake any investigation, into a grievance or appeal should it believe the case requires it.

10. Note-Taking & Records

The British Softball Federation requires 'meeting notes' to be taken at all meetings to record decisions and outcomes. All interviews must have a verbatim written record, signed by the interviewer and the subject of the interview. The interview must contain first party evidence and not include hearsay or speculation¹.

¹ First party evidence is evidence that the individual saw or heard. Hearsay is evidence that the individual was told by another party or overheard.

If an investigation leads to a criminal prosecution (or be drawn upon as part of a HR appeal procedure), all material obtained in the investigation must be handed over to the relevant authorities.

It is not the policy of the British Softball Federation to make an audio recording of any investigations or meetings. The Employee is not permitted to record meetings, interviews or hearings without prior consent.

The employee will be sent a copy of the interview or meeting notes produced, which will constitute the employer's record of proceedings.

All records from the process, both formal and informal will be kept confidentially on the employee's file in the British Softball Federation administrative office for 12 months. The British Softball Federation may also keep records relating to the ongoing management of an employee's performance, the implementation of corrective actions and progression of learning.

11. Process Flow Chart

