



# Grievance and Complaints Process (Optional Anonymity)

Last Updated: 03/09/2024

## **The Purpose and Scope of this Process:**

Cou Cou operates an “open door” policy in respect of all matters concerning an employee's terms and conditions and general welfare. You are encouraged to discuss any problems or concerns you may have as soon as possible on an informal basis with your manager. The decision of any such informal meeting will remain confidential (unless there is a risk of personal danger, or a criminal offence has been committed). If you feel unable to approach your manager directly, you should approach a senior manager or HR, who will discuss ways of dealing with the matter with you.

Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under this procedure. A formal grievance usually concerns the way in which you have been treated by the Company or managers acting on its behalf. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure and you will be informed of the outcome (as far as confidentiality will allow).

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The company code of conduct and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in Cou Cou Intimates.

## **Principles:**

- Where there is an issue at work we would ask that you raise it promptly and with the relevant person ie, your manager. Informal action will be considered, where appropriate, to resolve problems.
- If this fails or you feel the matter is more serious, then you can go to the formal procedure.
- For formal action, the employee in question will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.
- Employees in question will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure, the employee will have the right to be accompanied by a trade union representative, or work colleague.
- No disciplinary action will be taken against an employee until the case has been fully investigated.

- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

### **Raising your Grievance**

As stated above, the first instance is to immediately raise your grievance directly with your manager.

To make a formal grievance, set out your complaint in writing, giving as full an account of the situation as possible, and share this with your manager. You may also specify in writing whether you would like your complaint to be named or whether you would like to anonymise your statement.

In serious cases or cases where the individual you would typically share your grievance with ie. the manager is the cause of the grievance, another member of the Senior Leadership Team, Director or an independent consultant will be asked to investigate the complaint.

We will invite you to a meeting to discuss the grievance and ask how you think it can be resolved. It may be necessary for us to make further enquiries and hold a second meeting.

Below is an example of how a grievance can be raised via email:

*[Date of complaint]*

*Hi [name of your employer / HR manager/ line manager],*

*I am writing to raise a formal grievance.*

*I have a problem with / complaint about [give details].*

*Optional: I have evidence in the form of [give details].*

*Optional I wish to remain anonymous.*

*I would be grateful if you could let me know when I can meet you to talk about my grievance.  
I would like to be accompanied at the meeting by [name]*

*Best,*

*[Your name]*

### **After a Grievance has been raised:**

The first stage of a formal procedure with the individual you have raised a formal grievance with will normally be either:

- An improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance
- A first warning for misconduct if the conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (eg, six months).

### **Final Written Warning:**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the course of a prior warning, a final written warning may be given to the employee.

This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

### **Dismissal or Other Sanctions:**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion. Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

### **Gross Misconduct**

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated.

If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

### **Feedback to the employee who raised the grievance**

After the meeting, we will write to you with the outcome of the grievance. The email will remind you of your right to appeal if you are not satisfied with the outcome.

### **Appeals**

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The manager will hear all appeals and their decision is final. At the appeal, any disciplinary penalty imposed will be reviewed.

### **Ensuring Company Data Security**

Whilst a team member has an outstanding grievance or has been dismissed from Cou Cou it is policy that all passwords to sensitive Company equipment be changed and not re-issued to you until the grievance is resolved or the appeal process is complete.

### **Process review**

This policy was published by Meg McDonald on 13/05/2024 and will be reviewed periodically on an annual basis.