

**British Arts Festivals Association**

**GRIEVANCE PROCEDURE**

*Last updated date: 2nd June 2021 – to be revised every 12 months*

1. **Introduction**

The grievance procedure enables BAFA to ensure that any problems, complaints or concerns raised by employees, freelancers or contracted staff members are dealt with in a fair, timely and consistent manner. If an employee, freelancer or contracted member of staff has a grievance or complaint regarding:

1. their work, working conditions, pay and benefits, working hours; or
2. discrimination on the grounds of race, sex, sexual orientation, religion, disability, age, gender reassignment, class, marital status or ethnic origin; or
3. treatment by colleagues including harassment and bullying; or
4. their health and safety or a breach of statutory employment rights; or
5. any other issue affecting their employment,

it should be raised in line with this procedure.

Complaints in respect of disciplinary action taken by the Company should be dealt with as an appeal under the disciplinary procedure.

1. **Informal Procedure**
2. Employees, freelancers and contracted staff should, where possible, discuss the grievance or complaint with their immediate manager on an informal basis first. The manager will discuss any concerns with the employee and attempt to resolve the matter within a reasonable timescale. Where it is not possible for the employee to talk to their immediate manager, or if the grievance concerns him or her, the individual should instead talk to the next most senior person such as the Chair of BAFA.
3. Where the informal procedure is used, both parties should keep a written record of the meeting including what was discussed and any proposed action.
4. If the grievance has not been resolved or cannot be settled informally, the matter should be dealt with in accordance with the formal grievance procedure.
5. **Formal Grievance Procedure:**
6. Written Statement
   1. The aggrieved employee, freelancer and/or contracted staff member must first send a written statement detailing the nature of the grievance to their line manager without unreasonable delay.
   2. Where it is the line manager who is the subject of the Grievance, the employee should instead send the written statement to BAFA’s Chair.
7. Grievance Meeting
8. Upon receiving the written statement, the line manager will arrange for a formal meeting to be held in order to discuss the grievance. The formal meeting will be held without unreasonable delay and usually no longer than 5 working days after the statement of grievance is received.
9. The meeting must not take place if the line manager has not had a reasonable opportunity to consider their response to the information.
10. Before the meeting, a thorough investigation of the facts relating to any allegations must take place. Any requests for anonymity and confidentiality should be taken seriously.
11. The employee or freelancer may, following a reasonable request, be accompanied by a colleague, a suitably certified trade union representative or an official employed by a trade union. The companion may not, however, answer questions on behalf of the employee.
12. The employee or freelancer’s chosen companion will be able to address the meeting to put or sum up the employee’s case, as well as confer with the employee or freelancer during the meeting. They may not, however, answer questions on the individual’s behalf, address the meeting if the individual does not wish them to do so or prevent BAFA from explaining their case.
13. BAFA reserves the right to refuse to accept a companion whose presence may undermine the grievance process.
14. The line manager, employee (or freelance staff) and their companions shall make every effort to attend the meeting. If the employee or freelancer fails to attend the grievance hearing without explanation or seems to make insufficient efforts to attend, then the hearing may proceed in the employee’s absence.
15. If possible, the employee or freelancer should explain how they think the grievance could be resolved.
16. If a further investigation of the matter is required then the meeting should be adjourned to a later date before a decision is taken about how to deal with the employee or freelance team member’s grievance.
17. Outcome of meeting
18. Following the meeting and investigation and without unreasonable delay, the line manager shall set out in writing the outcome of the hearing and any action they intend to take to resolve the grievance (if appropriate).
19. The line manager shall also inform the employee or freelancer of their right to appeal if they are not satisfied with the action taken.
20. Any action taken shall be monitored and reviewed, as appropriate, to ensure it effectively deals with the issue.
21. Appeal
22. Employees and freelance staff have the right to appeal where they feel their grievance has not been satisfactorily resolved.
23. The request for an appeal must state the grounds for the appeal and should be submitted to the line manager or Chair in writing within 5 working days of receiving written confirmation as to the outcome of the grievance meeting.
24. The line manager will arrange a further meeting to discuss the appeal within a reasonable time of receiving the request for an appeal. The employee and/or freelance staff will be informed of the time and place of the appeal in advance.
25. The appeal will be dealt with impartially and, wherever possible, will be chaired by a trustee or staff member who has not previously been involved in the case and is of increased seniority to the one who dealt with the original grievance. This appeal hearing is not a re-hearing of the original appeal but a consideration of the specific areas of dissatisfaction in relation to the original grievance.
26. The employee and/or freelance staff have the right to be accompanied at the appeal meeting and the outcome of the appeal meeting shall be communicated to the employee/freelancer in writing within 5 working days. Decisions made at this point are final and the grievance procedure is concluded.
27. **Confidentiality**
28. Grievances will be handled with as high a degree of confidentiality as is practicable.
29. Confidential records of the grievance will be kept in the employee and/or freelance staff member’s personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee and/or freelance staff member, although the Company reserves the right to withhold certain information (e.g., to protect a witness).
30. **Special Cases**
31. Where a grievance is raised during the disciplinary process, the disciplinary process may be suspended so the grievance can be dealt with first.
32. The above procedure shall not be used for collective grievances.

**This procedure has been approved and authorised by:**

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| **Name:** |  |
| **Position:** |  |
| **Date:** |  |
| **Signature:** |  |