

CARFAX

TUTORIAL ESTABLISHMENT

Grievance Procedure for Employees

N.B. This procedure will be reviewed periodically to ensure compliance with changes in employment law and other relevant legislation.

Carfax is committed to supporting its employees in carrying out their responsibilities to the highest possible standard within a culture which encourages productive and cooperative working practices. Carfax will aim to resolve employee grievances by seeking solutions which take into account the needs of all parties involved.

1. Purpose and Scope

- 1.1 This procedure is designed to resolve individual grievances raised by an employee in relation to their employment. It aims to provide means by which individual grievances can be settled as quickly and as close to the point of origin as possible.
- 1.2 The procedure applies to all employees employed by Carfax under a contract of employment. It should be applied in accordance with Carfax's Equality and Diversity Policy.
- 1.3 This procedure aims to ensure good practice by applying the standards set out in the relevant sections of the ACAS Code of Practice on Disciplinary and Grievance Procedures. The principles of natural justice will be applied in conducting Grievance issues.
 - 1.3.1 In most circumstances, an employee should raise a complaint under this procedure prior to filing a complaint with an employment tribunal.
 - 1.3.2 A failure to follow the Code does not, in itself, make an employee or Carfax liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code
- 1.4 Exclusions

This procedure cannot be used to challenge formal outcomes in other procedures which have an appeal process, e.g. the Disciplinary Procedure.

- 1.5 Where paragraph 1.4 does not apply, a grievance raised by an employee subject to one or more of the above procedures will be dealt with in the normal way and in parallel with the other procedure.

2. Principles

- 2.1 If an employee has a grievance, he should first endeavour to resolve the matter informally by a direct approach to and discussion with the other employee(s) concerned.
 - 2.1.1 If the matter remains unresolved by informal procedures, the formal procedure may be followed.
- 2.2 At each stage of the procedure, the Principal is available to provide advice and guidance, but must be involved in formal stages of the procedure.
- 2.3 At each stage of the formal procedure, individuals have the right, if they wish, to be accompanied by a colleague or by an appropriate representative.
- 2.4 All proceedings and associated documentation must be kept confidential as far as practicable.
- 2.5 No employee will suffer detriment for raising a grievance in good faith.

3. Other Possible Courses of Action

The purpose of the grievance procedure is to reach a resolution on matters affecting employment, e.g. terms and conditions of employment, health and safety, new working practices, organisational change, equal opportunities, and relationships at work. Depending on the nature of the grievance, it may be appropriate to take action through a different route:

- 3.1 Issues relating to certain types of conduct in the work environment, such as harassment or bullying, should normally be raised in accordance with the Code of Practice – Harassment. If the situation cannot be resolved by following guidelines in the Code of Practice – Harassment, a formal complaint may be made under this Grievance Procedure.
- 3.2 Allegations or concerns relating to some actual or likely danger, fraud, or other illegal or unethical conduct connected with Carfax should be addressed immediately in writing to the Principal.
- 3.3 Mediation
 - 3.3.1 At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation is likely to be most appropriate in cases involving interpersonal relationships. There may, however, be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution.

- 3.3.2 Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.
- 3.4 In some circumstances, it may be appropriate to submit a formal complaint. On receipt of a formal, written complaint, the Principal will investigate the complaint, and determine and implement an appropriate course of action. This course of action will be appropriate where the complainant does not wish to engage in hearings or has not identified a preferred resolution, but wishes to ensure that action is taken over a matter of concern. It will not normally be possible to keep the complaint, or the identity of the complainant, confidential.

4. The Informal Process for Raising and Resolving Grievances

It will often be easier, quicker, and more effective to resolve complaints or grievances informally.

- 4.1 If an employee has a grievance, he should first endeavour to resolve the matter informally by a direct approach to and discussion with the other employee(s) concerned.
- 4.2 A meeting should normally be convened within 5 working days.
- 4.3 The employee should explain the nature of the grievance and both parties should seek a resolution. This is best achieved by means of an open and constructive discussion in which both parties are willing to understand the other's point of view.
- 4.4 The informal procedure does not preclude the parties from agreeing to meet on a second or subsequent occasion, nor, where the parties are in agreement, from approaching a third party for advice or assistance in arriving at a resolution.
- 4.5 Any party may approach the Principal for advice or guidance as appropriate.
- 4.6 If the matter remains unresolved, the formal procedure may be followed.

5. The Formal Procedure

- 5.1 All parties to the Formal Procedures will aim to reach a just and reasonable resolution, and the operation of the procedure will be consistent with this objective and determined by the person hearing the Grievance in each case.
- 5.2 At each stage of the formal procedure, a hearing will normally be convened within 15 working days, and the employee will be reminded of his right to be accompanied (see 2.3 above).
- 5.3 Stage One: Formal Resolution

- 5.3.1 If it is not possible to resolve a grievance informally, the employee should raise the matter formally, and without unreasonable delay, by putting his grievance in writing to the Principal.
- 5.3.2 The Principal will write to the employee acknowledging receipt of the grievance, normally within five working days.
- 5.3.3 The Principal will invite the employee to attend a formal grievance meeting in order to discuss the grievance. This meeting will normally take place within ten working days of the written acknowledgement.
- 5.3.4 As a result of the initial grievance meeting, the Principal may determine that it is necessary to make further enquiries and/or may appoint an investigating officer to conduct an impartial and thorough investigation into the background facts or into any allegations made by the employee

5.4 Investigation

- 5.4.1 If an investigation is deemed appropriate, the Principal will appoint an investigating officer. Where the grievance relates to other employees, the individuals involved will be informed in writing of the nature of the complaint and will be given the opportunity to submit a response.
- 5.4.2 The results of the investigation will be provided to the Principal in the form of an investigation report. This report will also be made available to the employee raising the grievance and any employee(s) named in the grievance. Following the investigation, the member of the senior management team may deem it appropriate to hold a further grievance meeting with the employee raising the grievance. The purpose of this meeting is to seek clarification on any further issues that might have arisen and to allow the employee to comment on the findings of the investigation.
- 5.4.3 In some cases, it might be appropriate to hold a grievance hearing with the aggrieved individual and the person(s) against whom the grievance lies.

5.5 Outcome

- 5.5.1 The Principal will determine the outcome of the grievance. He may reject the grievance, or may uphold the complaint and indicate what steps have been/should be taken to resolve it.
- 5.5.2 The Principal will inform the individual, in writing, of the decision and the right of appeal normally within 10 working days of receiving the investigation report or of the final

grievance meeting/hearing. The employee will be given an explanation if this is not possible and will be advised when a response can be expected.

- 5.5.3 Any employee(s) named in the grievance will also be advised, in writing, of the decision.

5.6 Stage Two: First Appeal

- 5.6.1 If an employee remains aggrieved, he may write to the Principal within 10 working days of the date of the decision under Stage 1, exercising his right of appeal.
- 5.6.2 Appeals will be considered by the Principal.
- 5.6.3 Where the appeal involves other employees, the person(s) named in the grievance will be informed of the appeal and the outcome.
- 5.6.4 This procedure may, in the interest of natural justice, and following consultation with relevant parties, be varied and altered by the Principal who will detail the reasons for the variation.
- 5.6.5 The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed within 5 days of the hearing. Any recommendations for further action will be clearly stated in the letter.

5.7 Stage Three: Final Appeal

- 5.7.1 If an employee remains aggrieved, he may write to the Company Director within 10 working days of the date of the decision under Stage 2, exercising his right of appeal.
- 5.7.2 The employee's submission must include details of the grievance, an explanation of why the previous attempts of resolution have not been satisfactory, and any supporting evidence.
- 5.7.3 Appeals will be considered by the members of the senior management team. The Company Director will have had no prior involvement in the case.
- 5.7.4 Where the appeal involves other employees, the person or the persons named in the grievance will be informed of the appeal and the outcome.
- 5.7.5 This procedure may, in the interest of natural justice, and following consultation with relevant parties, be varied and altered by the Company Director who will detail the reasons for the variation.

5.7.6 The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed within 5 days of the hearing. Any recommendations for further action will be clearly stated in the letter.

5.7.7 The decision following the appeal is final and there will be no further internal right of appeal.

6. Grievances raised after the employment relationship has ended

6.1 The procedure will cease to apply after the contract of employment of the employee bringing or seeking to raise a grievance has terminated for any reason. Where, however, a grievance is outstanding as at the date of termination, or is submitted immediately prior to termination, Carfax will seek to resolve the grievance by the most appropriate means. It will be for the Carfax Senior Management Team to determine how to proceed.