

Beltane Fire Society Grievance Procedure



Table of Contents

- 1. INTRODUCTION**
- 2. PURPOSE**
- 3. SCOPE**
- 4. GENERAL PRINCIPLES**
 - 4.1. Confidentiality**
 - 4.2. Role of the Investigation Panel**
 - 4.3. Role of the Nominated Officer**
 - 4.4. Right to be Accompanied**
 - 4.5. Meetings and Interviews**
 - 4.6. Outcomes and Timescales**
 - 4.7. Other Considerations**
- 5. GRIEVANCE PROCEDURE**
 - 5.1. Initiating a Grievance Case**
 - 5.2. Assigning Roles**
 - 5.3. Investigation**
 - 5.3.1. Investigatory Interviews**
 - 5.3.2. Other Evidence**
 - 5.3.3. Key Considerations**
 - 5.3.4. Investigation Report**
 - 5.4. Outcome**
- 6. APPEAL MECHANISMS**
- 7. MOVEMENT BETWEEN PROCEDURES**
- 8. GLOSSARY OF TERMS**



1. Introduction

Grievances are concerns, problems or complaints that may arise from time to time during the course of your association with Beltane Fire Society. Issues that may cause grievances may include, but are not limited to, things like working environment, health and safety, management practices or working relationships

You can use this procedure to initiate a formal Grievance, either on your own or as a group, to address grievances/disputes arising in the course of your association with Beltane Fire Society (BFS).

Separate procedures may exist for dealing with cases of harassment or bullying and also for dealing with 'whistleblowing' (in other words, concerns about what is happening at BFS or within your BFS Group). The corresponding policy should be used in these instances. If you are not certain of the correct policy to use, the BFS Board will be able to advise you.

The BFS Board of Trustees are committed to resolving differences quickly and fairly, and as soon as possible after they arise. This formal procedure will only be applied when a grievance or dispute cannot be resolved through discussion in line with the BFS Resolutions Policy..

BFS is confident that the majority of issues raised are genuine and made in good faith. However, if your grievance is proven to be malicious or vexatious, you will be subject to disciplinary action and formal action may be taken against you in line with the BFS Disciplinary Procedure.

2. Purpose of Procedure

The aim of this policy is to provide:

- a mechanism for grievances to be dealt with quickly, fairly and consistently;
- a mechanism for complaints to be properly investigated and addressed; and
- guidance to all parties about how to raise and address grievances informally and formally.

This Procedure is intended to comply with the provisions of the ACAS Code of Practice on Disciplinary and Grievance Procedures and the ACAS Guide on Discipline and Grievances at Work.

3. Scope of Procedure

This Procedure applies to all BFS volunteers, members, contractors, partners and customers. The Grievance Procedure relates to matters of concerns, problems or complaints. Matters relating to harassment, bullying, or the conduct of a member of BFS may be transferred to other relevant policies where applicable. The Board will, where necessary, determine the most appropriate procedure to be used in a specific circumstance.



4. General Principles

4.1. Confidentiality

Confidentiality should be maintained by all parties throughout the Grievance Process or, if there is an appeal, until the conclusion of the appeal proceedings. Information about an ongoing investigation may only be shared by the Grievance Panel, where appropriate, with the complainant, witnesses, Nominated Officer and the BFS Board of Trustees.

Confidentiality will remain in place indefinitely after the conclusion of the Grievance unless otherwise specified by the Board. Requests for anonymity and confidentiality by either the complainant or witnesses must be respected.

Anyone found to have breached this confidentiality may be subject to disciplinary action.

4.2. Role of the Investigation Panel

The Investigation Panel, ordinarily comprised of members of the BFS Board of Trustees, will act as Investigating Officers and will be involved in all stages of the procedure. In exceptional circumstances, the Board may decide to include other individuals in the Panel. One member of the panel will be appointed as the lead Investigating Officer. Complainants will be advised of the chosen composition and roles of the Panel.

The panel is responsible for conducting the investigation, communicating with the complainant and reporting the outcomes to the Nominated Officer (if applicable) and the Board.

4.3. Role of the Nominated Officer

The Nominated Officer is an optional role that may be appointed from the Board of Trustees to advise on correct procedure and provide impartial oversight as required. This role may be useful if the investigation panel is comprised of investigation officers with little or no prior investigation experience.

Inclusion of this role may be requested by either the Board or the Investigation Panel. The Nominated Officer should have previous experience with grievance investigations and have a good overall knowledge of the formal procedure.

If a Nominated Officer is appointed, all investigation reports and outcome letters should be reviewed and approved by the Nominated Office prior to delivery. The Nominated Officer may also take part in interviews and meetings as required by the Investigation Panel.



4.4. Right to be Accompanied

All interviewees are entitled to be accompanied at any formal meeting under this procedure by a Group Organiser (GO), fellow group member, or another trusted person. A request to be accompanied must be 'reasonable', ie the companion should not be someone who will prejudice the meeting.

A companion may:

- Ask questions on the interviewee's behalf;
- Present and summarise the interviewee's case;
- Confer with the interviewee during the meeting;
- Request adjournments;
- Take care of the interviewee's wellbeing through the process.

A companion may not:

- Answer questions on the interviewee's behalf;
- Address the meeting against the interviewee's wishes;
- Prevent the Investigating Officer or Nominated Officer from explaining the case or asking questions.

Legal representation will not normally be permitted. Such representation will only be permitted in exceptional circumstances at the discretion of the Board.

4.5. Meetings and Interviews

As part of the investigation process, there may be a requirement to hold interviews with the complainant and/or witnesses. If an interviewee has a disability (as defined by the Equality Act 2010) then it is strongly recommended that they make this known at the outset of this procedure and arrangements for any formal meeting under this procedure will include consideration of any requirements for reasonable adjustments.

The Grievance Panel may hold internal meetings to discuss and review the grievance case. Any such meetings will be minuted and the minutes will be kept as part of the overall case documentation.

The use of any form of electronic recording device is strictly prohibited during any meeting under this procedure unless agreed in advance. Any recordings made are subject to confidentiality as stated under section 4.1 of this procedure. Should BFS later find that any recording devices were used without proper knowledge or consent, this will be regarded as a serious breach of trust and confidence and can result in disciplinary action.

Complainants should be aware that any non-engagement in any aspects of the grievance investigation within agreed timescales may result in a decision being made in their absence and on

Beltane Fire Society

Grievance Procedure



the information available. Behaviour during an investigation interview of an abusive or violent nature can result in the early termination of the interview and/or disciplinary action.

4.6. Outcomes and Timescales

Complainants will be informed of the investigation outcome in writing. They have the right to appeal against the decision as detailed in Section 6 of this procedure.

Whilst every reasonable effort will be made to adhere to the timescales contained in this Procedure, it is recognised that due to the complexity or specific circumstances of particular cases, timescales may necessarily require to be extended. In such circumstances, the complainant will be advised in writing of the reasons for an extended timeline.

In the event that an Investigation is likely to carry over to a new board term, the Board will be required to discuss the composition of the Panel going forward. They may choose to appoint new Investigating Officers at the start of the next Board term or, if appropriate, they may choose to retain one or more of the existing Investigating Officers (even if they will no longer be members of the Board). If new Investigating Officers are appointed, the outgoing Panel will be required to conduct a handover meeting. Complainants should be notified of any changes to the Investigation Panel.

4.7. Other Considerations

If, after commencing the Grievance Procedure, the Investigation Panel considers that the issue should have been dealt with or could be better dealt with under an alternative policy or procedure, the case can be transferred to that different policy or procedure and the complainant should be informed accordingly.

Grievances can be transferred to the Resolutions Procedure if no prior reconciliation attempts have been made prior to submitting a formal Grievance.

Where an allegation of emotional, physical or sexual abuse is made against a BFS Member by or on behalf of a child or adult at risk, the investigation shall be undertaken within the terms of other relevant policies.

5. Grievance Procedure

5.1. Initiating a Grievance Case

Grievances must be raised in writing within 6 months of the incident. This is to ensure the investigation panel is able to conduct their investigation with quality evidence (i.e. while the incident is fresh in people's memories) and reach their conclusions in a timely fashion so as to prevent any further incidents occurring.

A grievance can be raised through the following routes:

Beltane Fire Society

Grievance Procedure



| Grievance Route | Complainant | When to use this route |
|--------------------|---|--------------------------|
| Group Organisers | Volunteers | Current festival periods |
| Blues | Volunteers and Members | Any time |
| Board of Trustees | Volunteers, Members, Partners and Service Users | Any time |
| Chair of the Board | Volunteers, Members, Partners and Service Users | Any time |

Upon receipt of a formal grievance, the letter/email will be referred to the Chair of the BFS Board of Trustees (unless the chair is implicated in the grievance - in such cases the letter will be forwarded to another member of the BFS Board of Trustees).

A panel of investigating officers and a nominated officer will be appointed at the next Board meeting.

The Chair/Trustee will send a written communication (email or letter) to the complainant simply acknowledging receipt of the grievance within 7 days.

5.2. Assigning Roles

The Board as a whole is responsible for appointing the investigation panel. The panel must comprise of at least two people, which must include at least Board Trustee. Selection will be dependent on experience, availability and suitability for that particular case.

Initial tasks that the panel must carry out include:

- Creating a secure folder in the Board file structure for all investigation documentation;
- Allocate a Case ID number to allow inclusion on agendas whilst maintaining confidentiality;
- Appointing a lead Investigating Officer;
- Setting out any other roles to be undertaken by individual Investigating Officers, e.g. main contact, lead interviewer, etc.

Notification of Roles: As soon as the roles have been appointed, the main contact will issue a further communication to the complainant to provide the following information:

- The names of the investigating officers;
- The name of the investigating officer acting as their main contact;
- The name of the nominated officer (where applicable);
- A confidentiality statement; (see section 4.1);
- A copy of the BFS Grievance Procedure

The panel may also decide to send copy of this information to other parties who are implicated in the Grievance. In these instances, the complainant will be notified of this.

Beltane Fire Society

Grievance Procedure



5.3. Investigation

Investigations will commence as soon as is reasonably practicable following the appointment of the Investigation Panel. No action will be taken as a result of a grievance until the case has been fully investigated.

Preliminary Fact Finding: It may be appropriate to conduct a preliminary fact finding investigation first to establish the facts. This would normally be when the scope of the grievance or the allegations are unclear at the outset. At the conclusion of the preliminary fact finding investigation the outcome could be that no further action is taken or that a more detailed investigation is required.

Timescales: The Panel will seek to conclude the investigation within a reasonable timescale. Where this is not reasonably practicable, the Panel will notify the complainant in writing of the reasons a longer period is required and update the Nominated Officer and Board.

5.3.1. Investigatory Interviews

Complainant Interviews: If required, the Panel will contact the complainant as soon as reasonably practical to request an interview.

Witness Interviews: Other key witnesses may also be interviewed as they are identified during the course of the investigation. The purpose of interviews with witnesses is to seek to establish the facts from others who were involved. This ensures a balanced and fair investigation.

Number of interviews: Depending upon the circumstances and/or complexity of the case, more than one investigatory interview with any interviewee may be required.

Right to be Accompanied: Interviewees may choose to be accompanied, as specified in Section 4.3 of this procedure.

Interview location: Interviews must take place in a location that allows for private, confidential sharing of information.

Documenting Interviews: A note will be taken of the responses given during an investigatory interview which will be produced as a typed statement and sent electronically or in hard copy to the interviewee for confirmation. The interviewee may append information which provides clarification. Interview statements will comprise part of the evidence presented in the final investigation report.

Verifying Statements: The final statement will be signed and dated if paper copy, or sent with a covering e-mail from the interviewee's e-mail account. An e-mail audit trail in this way will constitute an acceptable alternative to a signature. Where the Investigation Panel does not concur with the amendments put forward by the interviewee then those comments will be appended to the statement for the Nominated Officer to consider. Those involved in the provision of statements will be given a definitive timescale to return their statement - normally 1 week from date of receipt.

5.3.2. Other Evidence

During the investigation, the Investigation Panel will also gather any relevant documents and materials as evidence. This may include, but is not restricted to:

Beltane Fire Society Grievance Procedure



- Copies of policies and procedures;
- Recordings (video, photography, audio);
- E-mails;
- Meeting minutes and agendas.

5.3.3. Key Considerations

Key considerations that the Panel will seek to address during their investigation include:

- Did the incident(s) occur within a BFS context?
- Have any BFS policies and procedures (e.g. principles of participation) been violated?
- Has a criminal offence been committed?
- What has been the impact upon the complainant or others?
- Was the complainant or any implicated individuals in a position of responsibility at the time?

5.3.4. Investigation Report

The Panel will produce a written report which presents their findings of the investigation and include with this relevant appendices of all final signed or 'e-mail audit trail' statements and any other relevant documents gathered in the course of the investigation.

The panel should also prepare a summary for the board which documents the process and outcomes. The summary will be presented during the next Board Meeting. Any members of the board implicated in the grievance will be required to leave the room during the presentation. Proposed actions should be put forward for discussion, approval and ratification either immediately or, if further time is required for discussion, at the next board meeting.

5.4. Outcome

The Panel will send a written communication (email or letter) to the complainant advising the outcome of the grievance within 7 days of the presentation to Board and provide:

- Whether the grievance has been upheld;
- Any outcomes from the process;
- Any support measures available to the complainant;
- A copy of the appeals process.

There are three possible overall outcomes:

Beltane Fire Society

Grievance Procedure



| Outcome | |
|----------------|--|
| Upheld | <p>If the investigation evidence supports the grievance claims, the grievance must be upheld and actions proposed to rectify the situation. Note that any actions taken as a result of this outcome can only be applied to BFS and its members. Possible actions may include, but are not limited to:</p> <ul style="list-style-type: none">• Changes to existing policies and procedures• Introduction of new policies and procedures• Discussion with the community via a Blether• Any potential actions set out in the BFS disciplinary procedure (applied to BFS members only) <p>Misconduct by a BFS member will be addressed separately through the Disciplinary Procedure.</p> |
| Upheld in part | <p>If the scope of the grievance is particularly wide, it is possible for only some elements of the grievance to be upheld.</p> |
| Not upheld | <p>No official action will be taken as a result of the Grievance.</p> |

6. Appeal Mechanisms

The complainant may submit notification of the intention to appeal to the Chair/Panel within 2 weeks of receipt of a Grievance Outcome letter. Upon receipt, a copy of the Investigation Report should be provided to the complainant. References to confidential information should be redacted from the Report prior to sending.

Once the complainant has received the Report, their appeal should be made in writing, with reference to original grievance, the reason that the complainant is not satisfied with the outcome and what outcome they are seeking.

An appeal may be sought on the following grounds:

- Evidence was misinterpreted;
- The grievance process was not followed correctly;
- The outcome(s) do not match the findings of the investigation

The Board retains the right to reject an Appeal if it does not meet the criteria set out above. In such instances, no further action will be taken and the case will be considered closed.

The appeal will be presented to the BFS Board of Trustees at the next Board meeting for deliberation. Any members of the board implicated in the grievance will be required to leave the room during the discussion.

If appropriate, the Board may choose to reform the Investigation Panel to re-evaluate the evidence and the outcomes reached. The new Panel should not include any members of the original Panel.

Beltane Fire Society

Grievance Procedure



The outcome of the meeting will be provided to the complainant in writing within 1 week.

7. Movement Between Procedures

If, after commencing the Grievance Procedure, the Panel, considers that the concern could be more appropriately addressed under an alternative policy or procedure, the case will be transferred to that different policy or procedure.

In all cases, those involved will be informed in writing of the reasons for the movement between procedures.

8. Glossary of Terms

Complainant - The person(s) who raised the grievance.

Interviewee - A person who is interviewed as part of the investigation process. This may be the complainant, a witness

Member - refers to any individual who has been a recent BFS volunteer. Volunteers are considered to be members of BFS up to 3 year of their last voluntary participation in a festival. Within festival periods, an individual may be considered both a volunteer and a member.

Partner - meaning any organisation that works in conjunction with BFS, whether providing or receiving services.

Service User - Members of the public who attend official BFS events.

Volunteer - Refers to individuals taking part in a current BFS event. Their volunteer status lasts from their initial group subscription to the end of the final festival event. Volunteers can include:

- Performers
- Stewards
- BFS photographers
- Tech
- Group helpers

Witness - Any individual who is asked to provide evidence, either verbally or in writing, during the course of the investigation.

| | |
|--|--------------|
| THIS POLICY WAS FORMALLY APPROVED BY THE BFS BOARD ON: | 09 JULY 2017 |
| LAST REVIEWED: | 09 JULY 2017 |