



BURGESS FARMS

GRIEVANCE AND DISPUTE POLICY AND PROCEDURE

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For use by:	All employees of Burgess Farms and its subsidiary Companies		
Purpose:	To provide a standard, fair procedure for raising a concern regarding an employee's treatment or conditions of employment.		
This document supports: <i>Standards and legislation</i>	Acas Code of Practice 1 – Disciplinary and Grievance Procedures Employment Rights Act 1996 Trade Union and Labour Relations (Consolidation) Act 1992		
Key related documents:	Disciplinary Policy and Procedure Capability Policy and Procedure Dignity at Work Policy and Procedure Equal Opportunities Policy and Procedure Whistleblowing Policy Data Protection Policy		
Review date:	Changes to legislation / Changes to Company policy		



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Definitions

“Company” means Burgess Farms

“Subsidiary Companies” means all Companies owned by Burgess Farms

1. Policy Statement

This policy and procedure should be used to handle individual employee grievances, or a grievance shared by a group of employees.

Grievances may relate to terms of employment, the working environment, changes in the workplace and can arise out of the actions of others (colleagues, managers, volunteers, or other third parties). Our ethos is to manage in an open and honest way, and we encourage employees to quickly identify any problem in order that it can be expediently resolved. A formal procedure is provided in the event grievances cannot be resolved at source or for more serious matters.

The Grievance Procedure cannot be used to appeal against a capability or disciplinary decision. Any employee wishing to raise a grievance about bullying or harassment should also refer to the Dignity at Work Policy.

The Grievance Policy should not be confused with the Whistleblowing Policy which is intended for disclosures about matters other than a breach of an employee's own contract of employment.

The Company reserves the right to amend the policy and procedure as necessary to meet any changing legislation or business requirements. This policy does not confer any contractual rights on employees.

2. Key Principles

The Company will:

- raise and deal with issues promptly
- not unreasonably delay meetings, decisions or confirmation of those decisions
- act consistently
- carry out any necessary investigations, to establish the facts of the case
- allow employees to be accompanied at any formal grievance meeting
- allow employees to appeal against any formal grievance outcome

Where a grievance may apply to more than one employee and where these employees agree to seek resolution as a group, the Company may agree to raise a shared grievance for joint resolution under this procedure.

This policy will be used as a means of obtaining full management consideration of any matter

that causes an employee to be genuinely dissatisfied with their treatment or conditions at work.

3. Scope

This policy and procedure applies to all employees employed by Burgess Farms and its subsidiary companies.

4. Grievance Procedure

For all types of grievance, the following stages should be followed where appropriate. If you do not feel comfortable following any of the stages below, you should approach a member of HR for further advice.

If you have concerns about harassment, bullying or discrimination, please refer to the Dignity at Work Policy and Procedure and Equality Policy.

If you are concerned about possible malpractice in the Company, you should draw this to our attention via our Whistle-blowing Policy. If you also want us to deal with the matter as a grievance because it affects you personally, please let us know.

4.1 Informal Discussion / Mediation

To gain the most expedient resolution we encourage employees to raise any grievances as close to the source of the complaint as possible. An employee should attempt to resolve any concerns informally with their Line Manager or Supervisor in the first instance. If the matter is not resolved informally, they may wish to raise their concern as a formal grievance.

Line Managers will handle promptly any informal issues raised by their employees. In these circumstances, Line Managers should keep evidence of any informal attempts to resolve the matter. If there is no resolution at this stage, and all parties are willing, a mediation session can be arranged with a HR Representative prior to the formal procedure being invoked.

4.2 Formal Procedure

Stage 1

In the event of the employee having a formal grievance relating to their employment they should, in the first instance, put their grievance in writing and address it to their line manager, making it clear that they wish to raise a formal grievance under the terms of this procedure. Where the grievance is against the line manager, the complaint should be addressed to an alternative manager. This grievance procedure will not be invoked unless the employee raises their grievance in accordance with these requirements.

Stage 2

The employee will be invited to a meeting to discuss the grievance without unreasonable delay following receipt of that grievance. The employee will take all reasonable steps to attend.

The Line Manager of the employee will chair any grievance meeting unless the grievance has been brought against them, in which case another relevant manager will be nominated to handle the matter. An HR representative will also attend.

The meeting is the employee's opportunity to explain their grievance and how they think it should be resolved.

Please note that it is prohibited for employees to record (whether covertly or otherwise) the proceedings at the grievance meeting, and at any appeal meeting, without the express permission of the Company. If the Company discovers that an employee has done this covertly, they could be subject to disciplinary action.

After the meeting, the chair will take any steps to investigate the matter further. Sometimes this will involve looking at documents or interviewing other people. The employee will not normally be allowed to participate in this part of the investigation (for example, they will not normally be allowed to question other people directly). At times, the employee may be asked for more information or for another meeting. The Line Manager also, depending on the case, may think there is no need for any further investigation.

Following the meeting, the Company will endeavour to respond to the grievance as soon as possible and, in any case, within five working days of the grievance meeting. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be informed in writing of the Company's decision on the grievance and notified of their right to appeal against that decision if they are not satisfied with it.

4.3 Right of Representation

Employees have the right to be accompanied by a fellow employee or a trade union official from a trade union in any formal grievance meeting. If an employee wishes to be accompanied, they will inform the Company of the name of their fellow employee or trade union official prior to the meeting. An employee may not ask a member of HR to accompany them, as they may be present at the meeting in a facilitation and/or note-taking capacity.

The employee representative is there to support the employee. They are permitted to address the hearing but not allowed to answer questions for the employee. The employee representative may request an adjournment to a grievance hearing at any point if they feel the employee needs a break from the proceedings or to confer with the Employee.

4.4 Right of Appeal

If the employee is not satisfied with the outcome of the grievance, they may appeal in writing within seven working days of receipt of written confirmation of the grievance outcome to the Chairperson of that grievance meeting.

See Appeal Section below.

4.5 Record Keeping & Data Protection

In order to prove a fair procedure, should this be necessary, the minutes of grievance discussions and meetings will be kept together on the employee's personal file.

The employee will be asked to sign the minutes of any grievance meeting as an accurate account of the discussions that took place. The employee will read the minutes before signing and mark any amendments. Where possible, all amendments will be agreed with the Company who will also sign the minutes. The minutes will be sent to the employee without unreasonable delay after the meeting for their reference.

Whilst grievance records remain 'live' on personnel files, access to any such records will be strictly controlled in accordance with the statutory requirements of the General Data Protection Regulations (GDPR) (refer to the Company's Data Protection policy). Records will be held as 'live' and retained on Company systems for the period specified within the Company's Data Retention schedules.

4.6 Confidentiality

Where any information is given by the employee or about the employee, their right to absolute confidentiality on all personal matters will be guaranteed by all parties.

Access to this information will be restricted to the business where appropriate and for business statistical purposes unless otherwise mandated by law.

4.7 Breach of Policy

Breach of the Grievance Policy and Procedure by employees will be regarded as misconduct and could lead to disciplinary action.

4.8 Additional Information

For further advice about the options that are available to an employee and the procedures required of the Company and the employee visit www.acas.org.uk.

4.9 Failure to Attend a Meeting

Should you fail to attend a review hearing or meeting and/or fail to make contact with the Company to make alternative arrangements, you will be given one final opportunity to attend a further re-scheduled meeting. Failure to attend this re-scheduled meeting may result in the hearing being held in your absence and a decision made.

Should you make contact with the Company to re-arrange an alternative date and subsequently fail to attend the meeting a decision will be taken in your absence. Failure to attend the meetings may also be regarded as a failure to comply with a reasonable management instruction.

5. Appeal

All employees have the right to appeal against any grievance outcome. If they wish to avail themselves of that right they will do so in writing, detailing the grounds of the appeal, within seven working days of receipt of written confirmation of that grievance outcome. The grounds for appeal will be directed to the Chairperson of the grievance meeting.

5.1 Appeal Panel Members

Appeal hearings are where possible carried out by the next level of authority above the grievance manager or from another area of the business and will be arranged without unreasonable delay. You will be notified in writing of the date of the appeal hearing.

5.2 Note Taking

An independent person either from HR or other function will be note taker at the appeal hearing.

5.3 Appeal Procedure

- The Chairperson will confirm with the employee the grounds on which the appeal is being made. The employee will outline their reasons, in full, for the appeal.
- The Chairperson may ask questions as may be appropriate after the employee has stated their case for appeal.
- The Chairperson will re-outline the management case and may call witnesses.
- The employee may ask questions of the management case and/or bring their own witnesses.
- The Chairperson will clarify any issues raised.
- The Chairperson will summarise the management case.
- The employee or their representative may summarise the employee's case.
- The Chairperson will bring the meeting to a close and will then take advice and consider the facts, before reaching their decision.

5.4 Decision

A meeting will be arranged at a convenient time/date to hear the Chairperson's decision, together with their reasoning, a copy of which will be supplied to the employee in writing within five working days of the appeal. There is only one stage of internal appeal and that decision will be final.

6. Equal Opportunities

The Company will ensure that this policy/procedure is applied in a fair and reasonable manner that does not discriminate on the grounds of any protected characteristic such as race, gender, disability, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership, age, religion or belief.

7. Witnesses

The Company reserves the right to be able to call upon independent witnesses to take part in the grievance process where it is felt appropriate and necessary to the case.

If there are any further documents, including witness statements, the employee wishes to be considered at any meetings, they should provide copies in advance. If an employee wishes documents to be considered that they cannot access, they should notify the manager or HR so that, if relevant, these documents can be obtained on their behalf. The Company reserves the right to refuse access to sensitive and confidential documents.

Employees are also entitled to call witnesses of their own to any meetings arranged; names should be provided to the manager or HR in advance of any meeting taking place.

Any witnesses called will be seen independently within investigatory meetings. Witnesses will be advised prior to any investigation that their names and statements may be used within the grievance process and that the information will be kept confidential to the investigating officer.

It is not Company policy to use 'anonymous' statements, unless during particularly sensitive cases and HR should advise in these situations.

8. General Information

The Company expects all complaints made under the grievance procedure to be genuine. If any complaint is found to be false or malicious, then the employee bringing that complaint will be subject to disciplinary action.

An employee who makes a complaint under the grievance policy will not be victimised for doing so. If an employee is proven to be victimising another employee for using the grievance policy or for acting as a witness, they will be subject to serious disciplinary action.

9. Appendix

Employee to Raise a Formal Grievance Form – see end of document

10. Document Control

Revision	Action	Author	Date
0.2	<ul style="list-style-type: none"> Amended Stage 3 section to read 7 working days (changed from 5 days) to receive written appeal letter Added investigating the grievance sentence at the end of Stage 2 paragraph 	MK	22-07-14
0.3	<ul style="list-style-type: none"> Added 'Definitions' on Page 3 Added Appendix and inclusion of formal grievance form Updated contents page 	MK	10-10-14
0.4	<ul style="list-style-type: none"> Update with Burgess Farms logo Updated Point 4 – Grievance Procedure:- <ul style="list-style-type: none"> Removed Stage 3 notes Updated and added notes 4.3 to 4.9 to ensure consistency with other policies Added Point 5 Appeal Added Point 7 Witnesses 	NT/MK	19-08-19

	<ul style="list-style-type: none"> • Added Point 8 General Information • Updated Appendix with new Formal Grievance Form 		
0.5	<ul style="list-style-type: none"> • Removed wording about contractual status to clause 6 • Update wording on policy statement • Updated wording on clause 4.1 • Updated 4.2 	AM	21-05-21



BURGESS FARMS

Formal Grievance Form

This form is intended for use by any employee of Burgess Farms (Produce World Group) who wishes to make a formal complaint about the behaviour of a colleague, their manager or a third party, or any other workplace issue.

Employees should bear in mind before using this form that they should make all attempts to have the matter resolved in an informal manner, in line with the Company's Grievance and Dispute Policy. Where the employee requests that the complaint be dealt with informally, the appropriate person (as determined by the HR department) will discuss the matter with the employee, with a view to resolving the matter without recourse to a formal procedure.

Where the employee requests that the complaint be dealt with formally, this form should be completed, and our grievance procedure will be invoked.

In certain circumstances, employees can request that their complaint be kept anonymous. Where possible, the organisation will respect an employee's request for anonymity, but cannot guarantee that it will be able to do so.

In all circumstances, this form should be completed and delivered to your site HR representative in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal grievance:

Employee's name:				
Job Title:				
Department:				
Site / Location:				
Date:				
Does your grievance relate to your line manager? (tick)	Yes:	<input type="checkbox"/>	No:	<input type="checkbox"/>

Summary of complaint:

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

Individuals involved in the alleged incident / complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:			
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)			
Form completed by:			
Employee's Signature:		Date:	
For completion by the Company:			
Date form received:			
Name of recipient, and job title:			
Employee's Signature:		Date:	

