

# **EMPLOYEE-RELATIONS & EXTERNAL OMBUDSMAN POLICY**

## **1 Principles**

- 1.1 This Policy applies to all employees.
- 1.2 It is non-contractual, and the Company reserves the right to amend or withdraw it at any time.
- 1.3 Either the Company or any of its employees may refer certain kinds of issue to the External Ombudsman.
- 1.4 This policy gives effect to the ACAS Code of Practice which came into force in April 2009 by offering a fair, quick, and informal alternative to some of the Company's other formal policies and procedures.
- 1.5 Referring an issue to the External Ombudsman does not prevent anyone from invoking any of the Company's other policies or procedures. However, the Ombudsman may ask that other procedures are stayed on a "without prejudice" basis to afford him the opportunity to address and resolve the issues informally.

## **2 Issues which may be referred to the External Ombudsman**

- 2.1 Any of the following issues may be referred to the External Ombudsman in accordance with this policy where they either arise at work or have effect at work:
  - discrimination or harassment
  - bullying
  - victimisation
  - changes in an employee's terms, conditions and benefits
  - breach of contract
  - conflict of interest
  - matters affecting trust & confidence and/or working relationships
  - unfair constructive or actual dismissal
- 2.2 None of the following issues may be referred to the External Ombudsman –
  - those in connection with, or related to, health & safety at work
  - those which are non-employment-related

## **3 The External Ombudsman**

- 3.1 The External Ombudsman is not employed by the Company. As a designated neutral:
  - he is an advocate for a fair process
  - he is not an advocate on behalf of the Company or any individual

- 3.2 Although he may carry out an investigation into a prescribed matter, and make non-binding recommendations when requested to do so, he cannot make any management decision.
- 3.3 Accordingly, the External Ombudsman has no jurisdiction to intervene in any internal grievance, disciplinary or appeal proceedings unless all those directly involved have given their prior consent.
- 3.4 As he is independent of the Company's line management, he remains able to report information where necessary to its Board of Directors without the risk of being dismissed or discredited.

#### **4 The External Ombudsman's Duties**

4.1 These are -

- to listen
- to try to understand the issues
- to offer different perspectives, and to suggest non-confrontational methods to resolve the issue
- where appropriate, to help the employee to deal with the perceived source of the issue
- where appropriate, to refer the matter within the Company as required
- where appropriate, to carry out an informal investigation
- to mediate a dispute when requested to do so
- to supply six-monthly reports to the Company's Directors which include statistical data and a summary of areas of concern, but which make no reference to any named individuals

#### **5 Confidentiality**

- 5.1 A reference to the External Ombudsman may be made in confidence, and even anonymously. He will respect confidentiality to the extent that he is permitted to do so by professional standards and all relevant legal requirements.
- 5.2 For example, he will be obliged to disclose matters which may involve imminent risk of serious harm to any person, or where there has been a criminal offence, discrimination, harassment etc. He will tell the person referring the issue to him if he is obliged to disclose a referral on any of the above grounds.

#### **6 Non-Victimisation**

- 6.1 No employee will be treated unfairly because they have referred an issue to the External Ombudsman.
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## **7 Responsibility & Monitoring**

- 7.1 The Company's Managing Director has overall responsibility for the implementation of this Policy, and will cause its effectiveness to be monitored at regular intervals.

## **8 External Ombudsman Contact Details**

Telephone: 01322 421989,  
0845 055 8901 (24 hours)  
Fax: 0845 052 0773 (marked "Keith Davis - Ombudsman")  
Mail: External Ombudsman, Keith Davis Neutral, Suite 100, 89  
Commercial Road, Bournemouth, Dorset, BH2 5RR  
Email: keithdavis@universal-tyres.co.uk