

Grievance Policy

Policy reference – HR01

SUMMARY	This policy documents the steps involved in the effective management of grievances within the organisation and covers employee grievances
AUTHOR	Alison Ewart - HR Business Partner
VERSION	Version 2 - Final
EFFECTIVE DATE	Reviewed September 2015
APPLIES TO	NHS Bradford City and Districts CCG
APPROVAL BODY	NHS Bradford City and Districts Governing Body of the CCG
RELATED DOCUMENTS	Disciplinary Policy and Procedure Acceptable Standards of Behaviour Policy and Procedure
REVIEW DATE	September 2018

**THIS POLICY HAS BEEN SUBJECT TO AN INITIAL EQUALITY
IMPACT ASSESSMENT**

VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
Draft	January 2014	Alison Ewart	HR Lead	The EIA has been supplied to the Equality and Diversity Team
Draft	January 2014	Alison Ewart	HR Lead	Consultation with the Trade Unions via the Collaborative Social Partnership Forum
Final	March 2014	Alison Ewart	HR Lead	Ratified
Final	June 2014	Alison Ewart	HR Lead	SMT (previously approved at SMT on 8 th October 2013)
Revised	August 2015	Tazeem Hanif	HR Lead	Amendments made to the policy and taken to the West Yorkshire HR Policy Sub Group on 25.08.2015 to consult on changes.
Final	02.12.2015	Tazeem Hanif	HR Lead	Ratified at the Social Partnership Forum

Contents

Part 1	Policy	4
1.0	Policy Statement	4
2.0	Principles	4
3.0	Procedure	5
4.0	Support and Advice	5
5.0	Scheme of Delegation	5
6.0	Equality Statement	5
7.0	Monitoring Review	6
Part 2	Procedure	7
1.0	Stage 1 – Informal Resolution	7
2.0	Stage 2 – Formal Resolution	7
3.0	Mediation	8
4.0	Appeal	8
5.0	Grievance Appeal Procedure	9
Appendix 1	Stage Two Formal Grievance Form	10
Appendix 2	Grievance Policy Flowchart	11
Appendix 3	Equality Impact Assessment	12

Part 1 (Policy)

1. POLICY STATEMENT

- 1.1 The Organisation recognises that an agreed and practical procedure for the settling of grievances can contribute significantly to promoting and maintaining good employment relations.
- 1.2 This policy applies to all employees and is in accordance with the Organisations policy relating to Equality and Diversity.
- 1.3 The purpose of this policy is to ensure that all grievances are resolved as quickly as possible and also, wherever practicable, at the level at which they arise without the fear of recrimination.
- 1.4 For clarity, the term grievance means a source of dissatisfaction to an individual regarding their employment or the application and/or interpretation of their terms and conditions of employment, including any policies. As an example, an employee may raise a grievance on any reasonable grounds relating to his/her employment, for example redundancy payments, unauthorised deductions from pay, new working practices.
- 1.5 Any employee, or group of employees, who wishes to raise a grievance directly relating to their employment has the right to express that grievance. This policy and the supporting procedure provide the machinery for resolving a grievance as speedily as possible.

2. PRINCIPLES

- 2.1. Any matter raised under this policy will be dealt with promptly and confidentially.
- 2.2. An employee has the right to be accompanied by their Trade Union representative or work colleague (not acting in a legal capacity) at all formal stages of the procedure.
- 2.3. The manager will be supported by a Human Resources representative at every stage of the procedure.
- 2.4. Wherever possible, normal working will continue throughout the grievance process until resolution has been reached. Where this is considered not possible, or there is disagreement, the matter should be referred to a HR Representative.
- 2.5. Complaints about any disciplinary action should be dealt with as an appeal under the disciplinary procedure.
- 2.6. Grievances raised by an employee whilst subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. In instances where the grievance has bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of the proceedings and disciplinary proceedings may be suspended. Where an initial investigation into the complaint finds that the grievance and disciplinary cases are related it may be appropriate to deal with both matters concurrently. If the grievance complaint is found to have no bearing on the matters being investigated under the disciplinary process the disciplinary proceedings will continue.

- 2.7. Data is held and destroyed in accordance with provisions of the Data Protection Act 1998 and any Authority policy which derives from that Act.
- 2.8. The Organisation will ensure that all managers who may be involved in grievance matters have the necessary knowledge and skills required.
- 2.9. The status quo (i.e. the working and management arrangements which applied before the grievance or dispute) should operate until this procedure has been exhausted. If the time limits for exhausting the procedure are exceeded, the status quo position will be jointly reviewed by the management and staff sides.

3. PROCEDURE

The procedure is detailed in Part 2

4. SUPPORT AND ADVICE

The Organisation encourages informal resolution of grievances, wherever possible, and as such there are other informal interventions available, for example mediation. At any point either before raising a grievance or at any stage in this procedure an employee may wish to involve a Trade Union or work colleague who will be able to provide help and advice. The organisation actively encourages the input and support of recognised Trade Union Representative's to support individuals.

5. SCHEME OF DELEGATION

Each policy will contain a scheme of delegation specific to the stages and actions associated to the policy. All Schemes will adopt the levels as outlined below therefore ensuring consistency throughout all policies and clarity within the organisation.

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation
Stage 2 - Formal Resolution	Line manager or equivalent level manager from elsewhere within the organisation or the line managers direct manager if the line manager has been previously involved or implicated
Appeal following Stage 2 – Formal Resolution	Line Managers manager or equivalent who has not previously been involved or implicated

6. EQUALITY STATEMENT

In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

7. MONITORING AND REVIEW

- 7.1 The policy and procedure will be reviewed periodically by Senior Management Team in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 7.2 The implementation of this policy will be audited on an annual basis by the organisations Senior Management Team.

Part 2 – (Procedure)

1. Stage 1 – Informal Resolution

- 1.1 Any employee who wishes to express a grievance should first discuss the issue with a HR representative or their immediate line manager. This provides an opportunity for issues to be resolved without recourse to the formal procedure. If the individual feels unable to raise the issue with their line manager, they should speak to another manager within the department. Trade Union members seen seek guidance from a Trade Union. Informal grievances should be handled promptly to prevent further issues arising.
- 1.2 Employees are encouraged to address issues informally wherever possible and are invited to consider alternative interventions. Dependent upon the nature of the grievance, examples of alternative interventions may include: mediation, coaching, and mentoring. To understand more about what interventions may be beneficial the employee should discuss this with a manager within the organisation.

2. Stage 2 – Formal Resolution

- 2.1 Should the matter not be resolved informally at Stage 1, or where the issue is felt to be more serious, then the employee has the right to raise the matter formally (see appendix 1). To do this, the employee should set out the details of the grievance and desired outcome in writing and send the written complaint letter/form to their HR representative or line manager. Should they feel unable to do this, the grievance should be submitted to another manager within the organisation.
- 2.2 Any manager receiving a formal grievance must act upon the matter promptly within a maximum of 10 working days (unless in exceptional circumstances) and must also notify Human Resources.
- 2.3 Attempts must be made to resolve the matter informally, depending on the nature of the employee's complaint, for example, an informal meeting to discuss issues/concerns with relevant parties, changes to working practices or procedures to facilitate change/improvements, other reasonable measures to resolve the matter. However if the employee remains dissatisfied with the outcome they may insist on the matter proceeding to a full grievance hearing.
- 2.4 The manager dealing with the grievance must invite the employee to a formal meeting, to allow the employee to discuss their grievance. The employee must inform the employer of the basis for the grievance.
- 2.5 This meeting should be held as soon as possible, ideally within 5 working days of, but no later than 10 working days after receipt of the grievance. All parties must take all reasonable steps to attend this meeting. If this cannot be achieved, the reasons for delay are to be recorded. The timing and location of the meetings must be reasonable to all parties.
- 2.6 Wherever possible it is expected that resolutions will be presented at the meeting by the manager hearing the grievance. However it may be necessary to adjourn the meeting to further investigate the issues.
- 2.7 Where it is not possible to meet this timescale because further investigation is required, any extension to the deadlines set out in this procedure should, if possible, be agreed with the complainant. Reasons for the extensions must be recorded and an estimation of the revised timescale given.

Where an investigation is appropriate, this will be carried out by an independent Investigating Officer, who will communicate the outcome to a Commissioning Manager. The Commissioning Manager will not be part of the process of hearing the grievance but may support the Investigating Officer.

- 2.8 The grievance will be fully investigated and the employee informed of any decision in writing within a further 10 working days of the meeting.
- 2.9 Parties to the grievance are required to take all reasonable steps to meet the timescales outlined. Where this is not possible, the parties must keep each other informed and proceed without delay.
- 2.10 All meetings will be conducted in a manner which enables both sides to put forward their cases. Where necessary, managers should seek advice from a HR Representative who will attend the meeting.
- 2.11 In cases where two or more employees raise a grievance on the same issue, this will be known as a "Collective Grievance". In such cases, an appropriate representative may set out details of the grievance in writing on behalf of the employees. An appropriate representative shall be defined as Trade Union Representative or a nominated employee representative.

3. Mediation

- 3.1 Mediation is a voluntary process and may be considered at any stage of this procedure to help resolve issues between individuals. It may be used in situations such as:
 - dealing with conflict between colleagues or between a line manager and staff;
 - rebuilding relationships after a formal dispute has been resolved;
 - addressing a range of issues including relationship breakdown, personality clashes, communication problems etc.
- 3.2 It should be noted that not all cases will be suitable for mediation and that both parties must be in agreement for it to go ahead.
- 3.3 Should mediation be considered an option, please see the HR representative who will provide details of the gatekeeper of the mediation service for you to have a discussion with and who may suggest an independent mediator to take the matter forward.
- 3.4 The mediator is in charge of the process of seeking to resolve the issue but not the outcome, which will be agreed by the individuals.

4. APPEAL

- 4.1 If the employee considers that the grievance has not been satisfactorily resolved, then they must inform the employer that they wish to appeal against the grievance panel's decision. An appeal must be made in writing, stating the grounds on which the appeal is being made and received by the employer within 5 working days of the employee being informed of the decision. The appeal should be sent to the Workforce lead within the Organisation.
- 4.2 Should the appeals procedure be invoked, the employee will be invited to an appeal hearing. The appeal meeting will be chaired by an appropriate manager in line with the scheme of delegation (see appendix 2). This meeting should take place as soon as possible but no later than 10 working days following receipt of the application to

appeal. Where this is not possible, reasons for the delay are to be recorded and agreed.

- 4.3 The employee should be informed of the outcome of the appeal in writing within 5 working days of the appeal meeting taking place. There is no further right of appeal.
- 4.4 In the case of a collective grievance which has not been resolved at Appeal level and where the group of staff remains aggrieved, a referral to The Advisory, Conciliation and Arbitration Service (ACAS) may be made. In the interests of resolving the issue(s) all parties will co-operate in any such conciliation process and any outcome will be mutually acceptable. Either party may seek arbitration as a final means of resolving any grievance but arbitration will only be instigated by the agreement of all parties, with written terms of reference.

5. GRIEVANCE APPEAL PROCEDURE

Appeals will normally be heard by the line manager of or a more senior manager to, the person(s) who were involved in the original investigation. All appeals will include a HR Representative.

The procedure for an appeal hearing is as follows:

1. The employee(s) will present their case first, explaining the outstanding issues that are unresolved from their perspective and call any witnesses.
2. The management side will then be able to ask any questions about the case the employee(s) have presented.
3. The appeal panel members will also have an opportunity to ask any questions.
4. The management side will then be asked to present their case to the panel, explaining the reasons for the action they have taken, including calling of any witnesses.
5. The employee side may then wish to ask the appellant any questions about their case.
6. The appeal panel members will also have the opportunity to ask any questions.
7. Both parties may call an adjournment with the agreement of the panel members.
8. Both parties will have the chance to sum up their case.
9. There will then be an adjournment when both sides will be asked to leave the room while the appeal panel consider the information they have heard and reach their decision.
10. The decision of the panel will be communicated to both parties verbally, following the adjournment wherever possible, and in any case will be confirmed later in writing (again to both parties), no later than 5 working days after the Appeal Hearing.

STAGE 2 FORMAL GRIEVANCE FORM

To be submitted to your Line Manager

If you require assistance with completing this form, please contact HR, your manager or Trade Union.

Full name:	Job Title:
Contact Number:	Department:
Name of TU Representative or work colleague:	

Please describe the nature of your Grievances

Please detail the reasons that you remain dissatisfied following informal stage

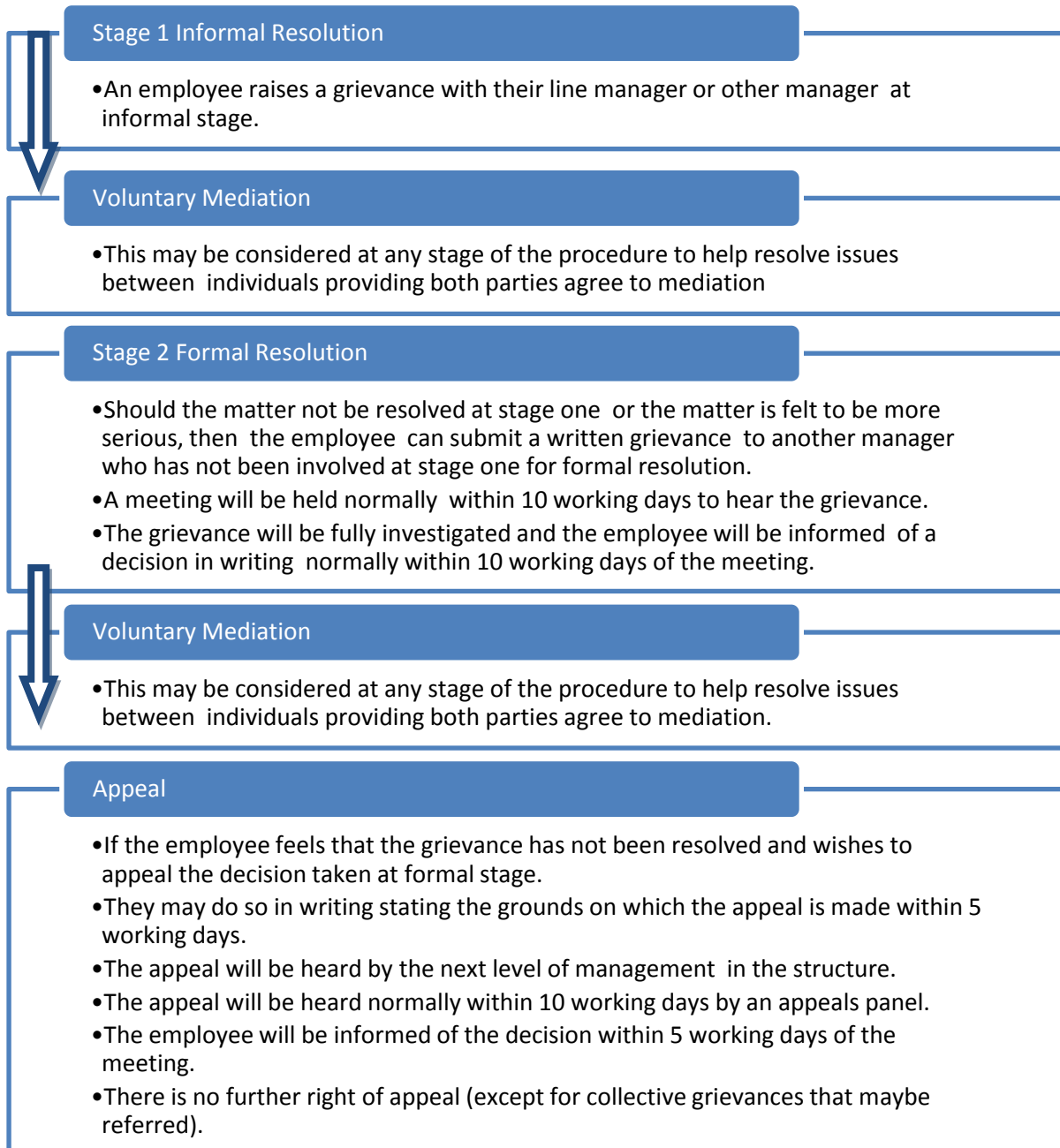
Please state your desired outcome from the formal procedure

Signature Date of Submission

Managers signatureDate of Receipt.....

Grievance Policy and Procedure steps (Flowchart)

It is hoped that most issues can be resolved at the workplace through informal discussion without resorting to the grievance process.



Equality Impact Assessment

Title of policy	Grievance Policy (HR01)	
Names and roles of people completing the assessment	Alison Ewart, HR Business Partner Nadeem Murtuja, Senior Associate Equality and Diversity.	
Date assessment started/completed	Started 03.01.2014	To be reviewed September 2018

1. Outline

Give a brief summary of the policy	This policy documents the steps involved in the effective management of grievances within the organisation and covers employee grievances
What outcomes do you want to achieve	Application of the Grievance Policy to resolve employment related matters in the work place.

2. Analysis of impact

This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	Are there any likely impacts? Are any groups going to be affected differently? Please describe.	Are these negative or positive?	What action will be taken to address any negative impacts or enhance positive ones?
Age	No		
Carers	No		
Disability	No		
Sex	No		
Race	No		
Religion or belief	No		
Sexual orientation	No		
Gender reassignment	No		
Pregnancy and maternity	No		

Marriage and civil partnership	No		
Other relevant group	No		
3. Monitoring, Review and Publication			
<p>If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.</p>		<p>No anticipated detrimental impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.</p>	

3. Monitoring, Review and Publication			
How will you review/monitor the impact and effectiveness of your actions	Grievances will be monitored against protected characteristics to look for any trends and action taken as appropriate.		
Lead Officer	Alison Ewart	Review date:	Analysed and reported on monthly via the workforce reports. September 2018

4. Equality and Diversity Sign off			
Equality Lead Officer	Nadeem Murtuja		
		Date approved:	March 2014

5. Sign off			
Lead Officer	Fiona Stephens		
Director	Associate Director of Corporate Affairs	Date approved:	September 2015