



NORTH EAST AMBULANCE SERVICE NHS TRUST

GRIEVANCE POLICY

Document Profile Box	
Document Reference:	QSSD 309
Version:	002
Ratified by:	Workforce and Equality Committee
Date ratified:	3 rd May 2011
Name of originator/author:	HR Policy and Planning Manager
Name of responsible committee/individual:	Workforce and Equality Committee
Date issued:	May 2011
Review date:	Bi annual
Target audience:	All staff
Document owner:	Director of Workforce and Development
Authorised signatory:	

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1.0 Introduction

- 1.1 The Trust aims to create a working environment where good working relationships enable the resolution of difficulties through normal management and staff discussion. It is acknowledged that there may be occasions when a member of staff encounters events or situations for which they feel aggrieved. An agreed and effective Grievance Procedure can contribute significantly to the creation and maintenance of good management/staff relations generally as well as to the satisfactory resolution.
- 1.2 This Grievance Procedure enables individuals to raise issues with management about their work, working environment, working relationships or actions of colleagues without fear or bias or recrimination.
- 1.3 This policy sets out the procedure for employees to raise grievances informally or formally depending on the nature of the grievance. Grievances should normally be resolved by day-day management with no need for anyone else, to become involved or for anyone else even to be aware that there is a grievance if this is what the employee wants. In the event that day to day management does not resolve the grievance this procedure provides a mechanism by which employees can have a grievance addressed. If the employee wants to involve HR then the process outlined in this policy should be followed.
- 1.4 This procedure aims to help resolve grievances fairly and promptly close to the point of origin and complies with the Employment Act 2002, (2004 Regulations) which set out the Standard Statutory Grievance Procedure, as well as the ACAS Code of Practice on Discipline and Grievance at work.

2.0 Scope

- 2.1 This Policy applies to all Employees and Volunteers of the NEAS Trust. This policy and procedure will not be applicable to grievances raised by Agency Workers contracted to the NEAS. If an agency worker feels aggrieved, they will need to raise the grievance with the Agency, who will lead on resolving the grievance.
- 2.2 This procedure covers both informal and formal process to address a grievance

3.0 Definitions

- 3.1 The term grievance is used to describe circumstances where an employee wishes to raise a matter of concern in connection with his/her employment. Such circumstances will normally result from some action that the employer/manager has taken or proposes to take which affects the employee.
- 3.2 Common issues which may give rise to a grievance (this is not intended to be an exhaustive list) include:
- The application of terms and conditions of employment
 - Health and Safety
 - Changes to working practices
 - New working practices
 - Working environment

- Organisational change
- Fair treatment and relationships at work (Dignity at Work Policy may apply)

If an employee is unsure as to which policy/procedure would be appropriate, they should contact the Human Resources Department for advice and guidance.

4.0 Exceptions to this Policy/Procedure

4.1 The Grievance Procedure cannot be followed to address issues that:

- Have been or are being dealt with under another procedure, for example Discipline, Performance Management, Dignity at Work or Attendance Management
- Are over 28 days old (unless there are mitigating circumstances)
- Are covered by statutory controls like Income Tax, National Insurance and Pension Schemes
- Have been decided or agreed after corporate consultation mechanisms have been exhausted with Trade Unions, or have arisen out of national or regional agreements or from committee decisions (although it is recognised that the implication of some decisions or agreements may have an individual impact which may give rise to a grievance, subject to the exceptions outlined above)
- Review of future terms and conditions or content of policies which have been agreed through the Trust's formal consultation process
- Matters that already have an existing appeals mechanism e.g Agenda for Change pay and grading decisions, unless the grievance is about failure to follow process

5.0 Collective grievances

5.1 If the same grievance is raised by more than one employee it may be appropriate to first raise the issue with the assistance of a Trade Union Representative. If a group of staff is involved, each individual should be identified and one or two representatives from the group should be nominated to act for the whole group.

5.2 This policy does not apply to Collective Grievances. These should be raised under QSSD Collective Grievance Policy

6.0 Meeting arrangements

- All meetings should be held in private without external interruptions.
- A written record must be kept of all meetings at every stage and made available to staff and their representatives. All decisions must be confirmed in writing. All records must be treated as confidential and treated in accordance with the Data Protection Act.
- At any formal meetings the Grievance Manager/Appeal Manger should ensure that there is a suitable employee available to take notes. The 'note taker' should have no prior involvement in the grievance and should be reminded of the confidential nature of the process. The note taker should be where possible the PA of the directorate to which the grievance falls under.

7.0 Time limits

7.1 The time limits expressed throughout should be regarded as the normal maximum limits that should be required at each stage. If a grievance is identified as requiring longer at a particular stage, the time limit may be extended by mutual agreement.

- 7.2 Failure to respond to a grievance at any stage within the set time limits may result in an employee escalating the grievance to the appeal stage.
- 7.3 These time limits also apply in the event that an employee or their representative unreasonably delays the grievance meeting. Where this happens, the grievance will be deemed to be withdrawn and the employee notified.

8.0 Responsibilities

- It is the responsibility of all Trust managers to ensure that this procedure is followed at all times when dealing with employee grievances. This will ensure that all employees are treated fairly and consistently.
- It is the responsibility of the employee to co-operate with Trust managers in accordance with this procedure.
- It is the responsibility of employee representatives to support employees and co-operate with Trust managers in the operation of the procedure to ensure a fair and consistent approach to grievances.
- The Human Resources Department will provide advice and guidance to all Trust employees on grievances and monitor the use and effectiveness of the procedure.
- Where follow-up action/recommendations are made during the resolution of a grievance it is the responsibility of the manager agreeing the action to ensure that the relevant steps are taken to ensure that the grievance is resolved satisfactorily.

9 Informal resolution

9.1 Stage 1

(see Appendix 1a - Informal Procedure Flowchart)

- 9.1.1 Many problems can be best resolved through discussions between the parties involved. It is in everyone's interest to resolve individual grievances at the earliest opportunity through constructive and open discussions between the parties involved.
- 9.1.2 Members of staff and line managers are therefore encouraged to make every effort to resolve differences through informal discussion prior to the matter progressing to formal Grievance Procedure Stages.
- 9.1.3 This may involve arbitration, which provides a means whereby two parties can be helped to reach a mutually acceptable solution to their dispute by an agreed third party. If arbitration is being considered as an option, managers dealing with the grievance may wish to seek advice from the Human Resources Team who will help assist with identifying an appropriate mediator.
- 9.1.4 The role of the arbitrator is to offer unbiased and impartial advice and guidance to both parties.

- 9.1.5 If the situation that gave rise to the grievance cannot be resolved informally then the grievance should be considered under the formal procedure. Employees can progress to the formal stages of the procedure and avoid the informal resolution stage, if in the circumstances an informal resolution is not appropriate.
- 9.1.6 If a manager or an employee is unsure whether their issue constitutes a grievance under the provisions of this Policy they should contact the HR Department or staff side representative for advice.

10 Formal grievance procedure Stage 2

(see Appendix 1b - Formal Procedure Flowchart)

10.1 Written Complaint

10.1.1 Employees who wish to refer an unresolved grievance to the formal procedure must complete the 'Form for recording of Grievances' (HR 37) and submit it, along with any supporting documentation, to their immediate line manager or supervisor, requesting that the matter be dealt with under this procedure.

- The employee should submit the completed 'Form for the Recording of Grievances' (HR37) following rise of the issue
- If the grievance is against the decision of the line Manager or Supervisor, the employee should approach that person's Manager

10.1.2 The Manager must:

- Write to the employee within 7 calendar days from receipt of the grievance to acknowledge receipt of the grievance and explain the process to be followed and related timescales
- Arrange to meet the employee to discuss the grievance within 14 calendar days from the receipt of the completed 'Form for the Recording of Grievances'
- Look into the background of the grievance prior to the meeting

10.2 Formal Meeting

- The meeting should be held at a reasonable place and time, and the employee has a duty to attend
- The employee has the right to be accompanied by a work colleague or recognised Trade Union Representative during this meeting
- A member of the Human Resources Team must be present at this meeting to provide appropriate advice and guidance
- At the meeting the Manager will aim to understand the grievance
- If the matter does not need further investigation, the decision must be communicated by the Manager in writing within 7 calendar days of the meeting. A copy of this will be forwarded to the Human Resources department
- If the matter needs further investigation, the Manager should make the employee aware of this and indicate likely timescales by when a decision is to be made. The Manager should take steps to ensure that a decision is made within a reasonably practicable timescale
- The decision of the formal meeting should be confirmed in writing to the employee and a copy forwarded to the HR department
- The employee must be notified of their right of appeal against the decision if they are not satisfied

10.3 Grievance Appeal Stage 3

(see Appendix 1c – Appeal Procedure Flowchart)

10.3.1 Should the employee wish to appeal against the decision of the grievance meeting, they must complete the 'Form to Appeal against a Grievance Outcome' (HR 38) and submit it, along with any supporting documentation, to the next level of Management (Appeal Manager) within 14 calendar days from the date of the decision letter.

- The employee must state clearly:
 - why they are not happy with the outcome
 - their suggested remedies for resolving the grievance
- The Appeal Manager must write to acknowledge receipt of the appeal within 7 calendar days from the receipt of the appeal letter
They should arrange an appeal hearing within 14 calendar days from receipt of the appeal letter. The Appeal Hearing will comprise of the following

Chair – Appeal Manager

Independent HR Support to the Chair

Grievance Manager

HR Support to Grievance Manager during investigation

Note Taker (PA of relevant Directorate)

Employee raising the Grievance plus Staff Side Rep or Colleague

- 7 calendar days prior to the appeal hearing, the Grievance manager must arrange to send all paperwork relating to the Grievance to both the Appeal manager and the Employee
- Should the employee wish to include any further evidence / documentation then they submit this at least 4 calendar days prior to the appeal hearing and arrange to send a copy to the Appeal Manager and Grievance Manager
- The hearing should be held at a reasonable place and time, and the employee has a duty to attend
- The employee has the right to be accompanied to by a work colleague or recognised Trade Union Representative during this hearing
- At the hearing the Manager, who heard the initial grievance, will be given the opportunity to present their reason for the initial decision to the Appeal Manager and the employee will be expected to state their reasons for the dissatisfaction with the decision
- The Appeal Manager will adjourn the hearing to make a decision. This decision will be recorded in writing and should be given to the employee within 7 calendar days of the hearing.

10.4 Possible outcomes (at the end of Step 2 and Step 3)

10.4.1 Where a grievance is upheld, possible outcomes, at any stage of the procedure, may include (this list is not exhaustive):

- A written apology
- An agreement to amend behaviour or monitor progress
- A decision to advise appropriate individuals to meet certain standards, with a possible referral to the 'Managing Issues of Competence' Procedure
- A commitment to reimburse any proven financial loss incurred
- A decision to deal with the matter by instigating another procedure (e.g. Discipline)
- A full explanation of how and why a policy or procedure has been incorrectly implemented
- A referral to a correct procedure where an inappropriate one had been followed

- An offer of fresh application of a procedure which had been incorrectly implemented

Outcomes may need to be reviewed periodically to measure their effectiveness, e.g. by scheduling such reviews into normal line management procedures.

11 Modified procedure

- 11.1 There may be occasions when a grievance has been raised by an employee, who leaves the employment of the Trust prior to resolution. In such cases, a modified procedure may be followed if:
- the Trust was not aware of the grievance before the employment ended
- or**
- if the Trust was aware of the grievance, but the standard Grievance Procedure had not been completed or initiated by the time the employment ended
- or**
- it is not reasonably practicable for one or the other party to carry out the standard Grievance Procedure
- and**
- both parties agree in writing that it should not apply
- 11.2 This shorter procedure consists of two stages:
- The former employee sends written confirmation to the HR Department that they wish to pursue the grievance and outlines the basis of the grievance
 - The HR Department contacts the Line Manager and arranges to respond within 28 days of receipt of the confirmation letter giving responses to the points raised

12 Equality and Diversity Statement

- 12.1 The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. As such, this document has been screened, and if necessary an Equality Impact Assessment has been carried out on this document, to identify any potential discriminatory impact. If relevant, recommendations from the assessment have been incorporated into the document and have been considered by the approving committee. The Trust also values and respects the diversity of its employees and the communities it serves. In applying this policy, the Trust will have due regard for the need to:
- Eliminate unlawful discrimination
 - Promote equality of opportunity
 - Provide for good relations between people of diverse groups

For further information on this, please contact the Equality and Diversity Department.

13 Consultation, Approval and Ratification Process

13.1 Consultation Process

- 13.1.1. This policy has been discussed with the Joint Consultative Committee which includes representatives from staff side and all directorates.

13.2 Policy Approval Process

- 13.2.1 This policy has been submitted to the Policy Review Group for review, and will be submitted to the Joint Consultative Committee for agreement

13.3 Ratification Process

- 13.3.1 This policy will be submitted to the Workforce and Equality Committee following review by the Policy Review group and agreement at JCC.

14. Dissemination and Implementation

14.1 Dissemination

- 14.1.1 Once ratified this policy will be added to the Document Quality Control System and added to the Intranet site to which all staff have access. Earlier versions of the document will be archived in the quality system.

14.2 Implementation of Procedural Documents

- 14.2.1 Information about this policy will be covered in the Corporate Induction training Programme and updates to the policy will be notified by an email sent to all staff advising when the policy has been changed.

15. Monitoring Compliance with this Policy

- 15.1 The Human Resources Department will collate details of the nature of all grievances, the outcomes and details of any appeals made against the decisions. This report will be prepared on an Annual basis and will be submitted to the Health and Wellbeing group and Joint Consultative Committee and other relevant parties to highlight any trends and areas of concern.

Useful contacts

Unison

Joel Byers
Tel: 07739 763160
E-Mail: joelbyers1953@yahoo.co.uk

GMB

Malcolm Parker
Tel: 0191 4302000
E-Mail: Malcolm.parker@neas.nhs.uk

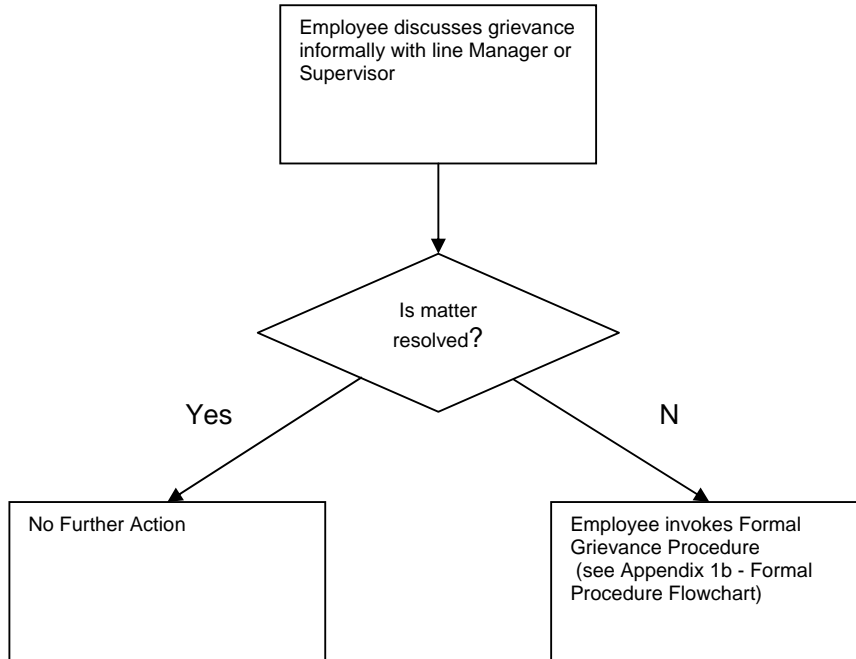
HR Team

You can contact the HR Team at Ambulance HQ on 0191 4302000 or
Please refer to the NEAS Intranet for a list of representatives from the Human Resources Team

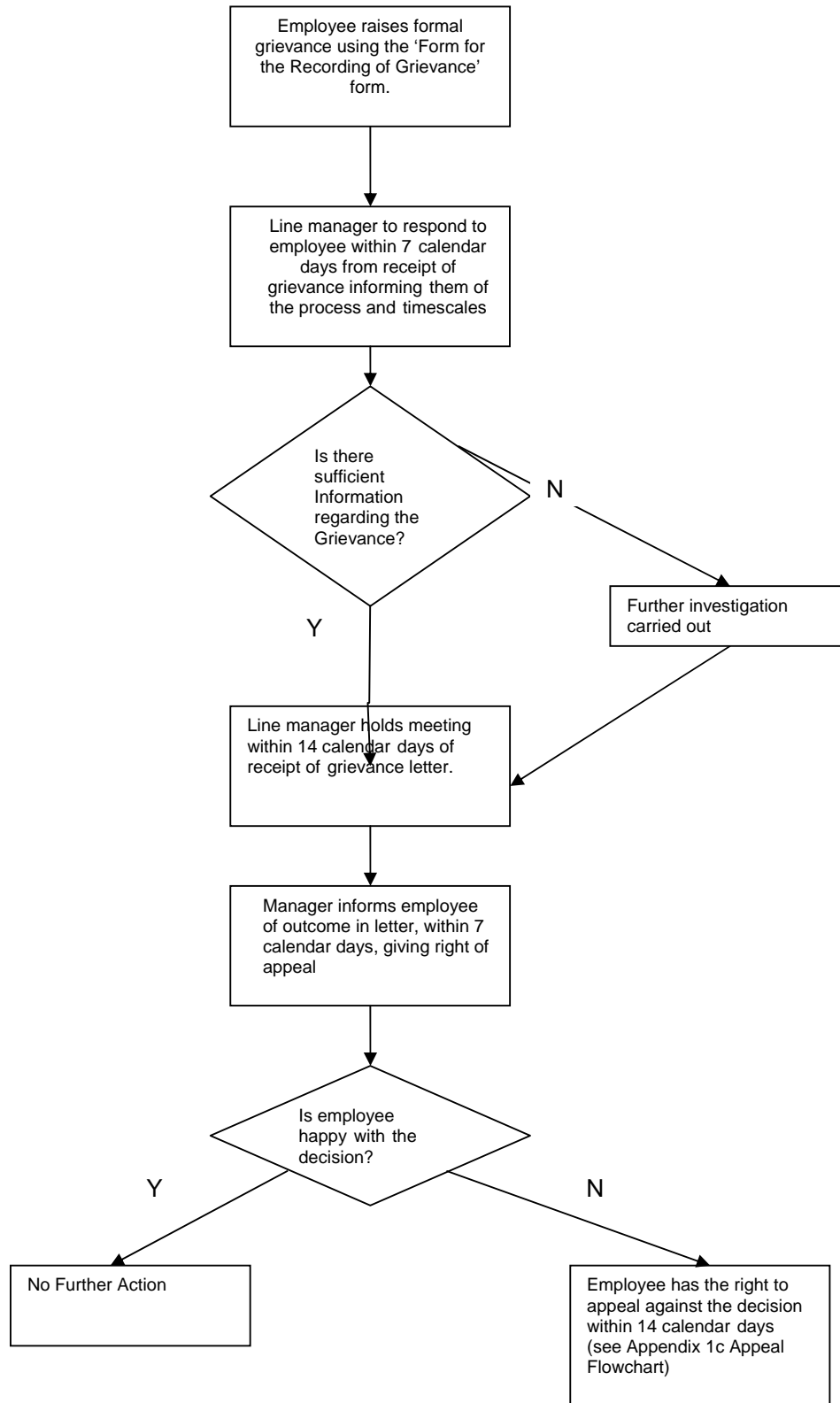
Equality and Diversity

Jane Miller Equality and Diversity Manager/Karen White Equality and Diversity Advisor
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Bernicia House
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Goldcrest Way
Newburn Riverside
Newcastle upon Tyne
NE15 8NY
Tel: 0191 430 2000
jane.miller@neas.nhs.uk
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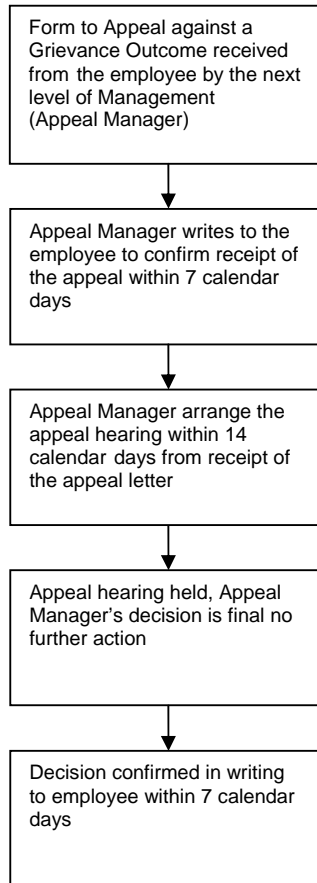
Appendix 1a - Informal Procedure Flowchart Stage 1



Appendix 1b - Formal Procedure Flowchart Stage 2



Appendix 1c - Appeal Procedure Flowchart Stage 3



Appendix 2 – Grievance Appeal Hearing Format

- (a) **Introductions – Given by Chair**
Having outlined the purpose of the appeal hearing, the order of the agenda with those present, the Chair of the hearing introduces all parties.
- (b) **Nature of grounds for Grievance Appeal**
The Chair of the appeal hearing checks that all parties have the relevant documents and identifies the specific grounds of appeal to be considered.
- (c) **Presentation by employee**
The employee concerned and/or representative presents their case.
- (d) **Questions by Chair / Panel**
The Chair or Independent HR Person may ask the employee any questions at this point . The HR Representative may submit clarifying questions to the chair during adjournments
- (e) **Presentation by Grievance Manager**
The Grievance Manager of the original Grievance Meeting presents the management's case justifying the original decision.
- (f) **Questions by Chair / Panel**
The Chair or Independent HR Person may question the Grievance Manager. The HR Representative may submit clarifying questions to the chair during adjournments
- (G) **Final statement or 'summing up' by employee**
The employee and/or representative may make a final statement.
- (H) **Final statement or 'summing up' by Grievance Manager**
The Chair of the original Grievance Meeting may make a final statement.

The parties then withdraw to allow the Chair to consider the findings from the information presented and come to a decision. Others advising the Chair will also remain, as will any person taking a note of the hearing. The parties will usually be asked to remain available for a short time in case the Chair needs to clarify any point.

The Chair considering the appeal may confirm, amend or reject the Grievance Appeal. Wherever possible, the employee shall be informed verbally of the outcome of the appeal hearing at this stage. In most cases the Chair of the Grievance Appeal may need to do further investigation and as such a decision should be confirmed in writing within 7 calendar days of the hearing, by the Chair, in consultation with a member of the Human Resources Team.

The decision of the appeal is final and is not subject to further appeal within the terms of this procedure.

Appendix 3

APPENDIX 3 - Grievance Appeal Hearing Pack



EMPLOYEE NAME GRIEVANCE APPEAL HEARING – DATE OF HEARING

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Section 1 – Grievance Appeal Invite Letter

(Add in cover page title SECTION 1)

Section 2 – Grievance Appeal HR38

(Add in cover page title SECTION 2)

Section 3 - Grievance Hearing Step 2 Outcome

(Add in cover page title SECTION 3)

Section 4 – Grievance

(Add in cover page title SECTION 4)

Section 5 – Appendices

(Add in cover page title SECTION 5)

Appendix 1 – Additional Information

ADD IN ANY FURTHER SECTIONS OR APPENDICIES

PLEASE NOTE – ALL NOTES OF MEETINGS SHOULD BE INCLUDED IN THE PACK