



Grievance Policy

Document Control Sheet

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This policy supersedes all previous issues.

Version Control - Table of Revisions

All changes to the document must be recorded within the 'Table of Revisions'.

Version number	Document section/ page number	Description of change and reason (e.g. initial review by author/ requested at approval group)	Author/ Reviewer	Date revised
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This page should not be longer than one single page.

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1. Introduction

- 1.1 The aims of this Grievance Policy and Procedure are to:
 - 1.1.1 Explain the nature of a grievance, so that employees understand the circumstances in which the Grievance Procedure should be used;
 - 1.1.1 Confirm the Trust's approach towards grievances; and
 - 1.1.2 Provide a framework within which employees can raise their concerns formally and have them resolved promptly and fairly.

2. Purpose

- 2.1 It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 2.2 This procedure has been implemented following consultation with the recognised Trade Unions and Joint Consultative Committee (JCC).
- 2.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

3. Scope

- 3.1 This policy and procedure applies to all employees regardless of length of service. It does not apply to casual bank workers, volunteers, agency workers or self-employed contractors.
- 3.2 In the event that a volunteer has cause for concern, it should be set out in an email and sent to the PTS Business Improvement Manager for consideration.
- 3.3 There is a separate grievance policy and procedure for casual bank workers (please refer to the Casual Staff Handbook instead).
- 3.4 This policy contains the procedure for raising grievances. The procedure is the same regardless of whether the grievance is brought by an individual or a group of employees (a collective grievance).

4. Duties - Roles & Responsibilities

- 4.1 **Director of Strategy, Transformation and Workforce**

The Director of Strategy, Transformation and Workforce has the authority to ensure compliance with this policy and procedure.

4.2 **Head of Human Resources**

The Head of Human Resources is responsible for ensuring the implementation of this policy and for the regular review of the policy.

The Head of HR is also responsible for reviewing the compliance information that the HR Team is required to report (see section 4.4 below).

4.3 **Line Managers**

Line managers are responsible for signposting employees to the correct procedure for their complaint- for example, it may be more appropriate to deal with minor concerns about bullying or harassment informally under the Trust's Dignity at Work Policy first. If a manager is not sure about the correct procedure to use, they should seek advice from HR.

Line managers are responsible for making attempts to resolve all issues that arise in or are connected to the workplace, initially by informal resolution.

In the event that informal resolution is not successful, line managers are responsible for giving formal consideration to the grievance; in doing so, line managers must seek advice from HR before delivering their decision.

Line managers are responsible for conducting thorough investigations into the grievance and for seeking advice or support from HR if they are inexperienced or unsure about best practice or a technical/difficult issue.

Line managers are ultimately responsible for the conclusions they reach and the recommendations that are made and for ensuring that they are implemented on conclusion of the process.

4.4 **HR team**

The HR team is responsible for advising line managers and any appeal officer or panel on the following matters:

- The applicable procedure and compliance with it;
- Compliance with timescales;
- The strength of the evidence;
- Whether any further enquiries may be necessary/useful;
- The structure of the report (whether it tells a story and reaches any conclusions);
- The remedies/recommendations that may be available to a manager; and

- Whether the proposed outcome is reasonable in all of the circumstances.

It is not the role of an HR advisor or HRBP to tell a manager how to resolve the grievance or to dictate the outcome. Line managers must be encouraged to gather and thoroughly consider their own evidence and reach their own conclusion(s), with support.

HR Advisors and HRBPs are expected to advise line managers on the merits and pitfalls of their conclusions so that they can make properly informed and fair decisions.

HR Advisors and HRBPs are required to report, to the Head of HR, any situation in which procedural timescales are not complied with (along with any relevant factors) so that compliance can be monitored.

5. Using the Grievance Procedure

- 5.1 A grievance can be any concern, problem or complaint that an employee raises with the Trust under this policy; however, please refer to the later part of this section for examples of complaints that should be raised under separate and different policies. Issues that could give rise to a grievance may include:
 - 5.1.1 terms and conditions of employment;
 - 5.1.2 health and safety;
 - 5.1.3 work relations;
 - 5.1.4 bullying and harassment (in so far that informal resolution under the Dignity at Work policy has failed or the grievance is so serious that the Dignity at Work Policy is not appropriate);
 - 5.1.5 new working practices;
 - 5.1.6 working environment;
 - 5.1.7 organisational change; and
 - 5.1.8 discrimination.
- 5.2 If a line manager is unsure whether an employee is using the correct procedure, or if there are concerns that informal resolution has not been considered, line managers should seek advice from HR before proceeding.
- 5.3 This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure, available on QPulse.
- 5.4 We have a separate Dignity at Work Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or

harassment involving other people. We would encourage you to make use of that policy to try and resolve the issues informally in the first instance. In the event that the Dignity at Work Policy does not resolve your concerns, you may escalate them under the Grievance Procedure.

- 5.5 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. The purpose of that Policy is to enable employees to make reports of incidents that need to be addressed at an executive-level, such as any concerns relating to our compliance with CQC Regulations, for example. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you should raise the matter under this Grievance Procedure.
- 5.6 If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with your line manager (or, if your line manager is the subject of your concern, with the Head of HR) as soon as possible.
- 5.7 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

6. Raising Grievances Informally

Most grievances can be resolved quickly and informally through discussion with any colleague concerned (for example, if your complaint concerns the behaviour of a colleague), or ultimately, your line manager (if you would like your line manager to intervene or attempt to resolve the situation).

If you feel unable to speak to your manager, for example, because the complaint concerns him or her and you do not feel able to raise it with him/her, then you should speak **informally** to a more senior manager. If this does not resolve the issue, you should follow the formal procedure below.

7. Formal Written Grievances

- 7.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager, using form HR37 and indicating that it is a formal grievance. If the grievance concerns your line manager, you may submit it to a more senior manager instead.
- 7.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. You should also let us know what you would like to achieve as an outcome. In some situations we may ask you to provide further information.
- 7.3 Where more than one employee is affected by the same complaint, a nominated representative may submit a collective grievance on their behalf. This negates the need for each employee to raise an individual grievance of their own. A collective grievance should contain the name of the representative

who is complaining on behalf of the employees. It should also name the employees on whose behalf the grievance is being raised.

- 7.4 The formal process should take no longer than 28 days (including investigation time). There may be exceptions; in this instance the hearing manager should seek to agree extensions to the timescales with the employee and keep the employee up to date, at intervals to be agreed.

8. Investigations

- 8.1 It may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by your line manager, or if your line manager is the subject of your grievance, we will ask someone else to do that.
- 8.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation. If you do not co-operate with us, we will not be able to hear your grievance. The Trust will not investigate anonymous grievances.
- 8.3 We may investigate the facts before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

9. Right to be Accompanied

- 9.1 You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.
- 9.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.
- 9.3 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.4 If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else. In exceptional circumstances, and in the spirit of the Partnership Agreement between the Trust and recognised Trade Unions,

the Trust may extend this timescale to allow appropriate representation and preparation (for the Trade Union Representative).

- 9.5 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

10. Grievance Meetings

- 10.1 We will acknowledge any grievance promptly and always within seven calendar days.
- 10.2 We will arrange a grievance meeting to take place promptly and always within fourteen calendar days of receiving your written grievance.
- 10.3 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 10.4 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 10.5 After an initial grievance meeting, we may carry out further investigations and hold further meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 10.6 We will write to you promptly, usually within seven calendar days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.
- 10.7 We may decide to uphold your grievance in full or in part. We may also decide not to uphold your grievance.
- 10.8 All decisions will normally include an explanation of the decision, a view on whether the desired outcome is to be granted, recommendation for remedy between the parties and information regarding the appeal process where applicable.
- 10.9 The hearing manager will produce a factual report to sum up their key findings and recommendations. A copy of the report will be saved on the personnel file of the employee who has raised the grievance.
- 10.10 Any notes or documents arising from the investigation or grievance hearing should be copied and forwarded to Head of HR for secure storage. The HR team will place a note on the personnel file of any employee involved in the grievance, to the effect that additional notes are securely stored within HR concerning a grievance (including the date of the grievance in the note and the

location of the grievance notes). The purpose of this procedure is to ensure an audit trail while ensuring that data is securely stored in accordance with Data Protection Act principles.

- 10.11 The hearing manager may identify facts that suggest disciplinary action is appropriate. In any such situation, the hearing manager will contact HR to identify the name of the employee's line manager and will highlight the key facts to him/her for consideration. In any such situation, the line manager must consider the information that has been conveyed to him/her and discuss the situation with an HR advisor before deciding whether any disciplinary action will be taken. In the event that disciplinary action is not necessary, the manager should place a note of the background and the decision on the employee's personnel file.
- 10.12 The hearing manager may identify that an amendment to a Trust policy or procedure may be useful. In such a situation, the hearing manager should bring this to the attention of the Head of HR.
- 10.13 The hearing manager should discuss the following matters with the employee who has raised the grievance, prior to issuing the outcomes/decision:
- 10.13.1 The employee's work commitments in the next 7 days- this is relevant to whether they will have the opportunity to pick up, consider and respond to the outcome within the appeal procedure, or whether an extension may be necessary (NB- this should not delay most appeals and should be reserved primarily for frontline staff who may work long shifts and/or unsocial hours);
- 10.13.2 The employee's preference for receiving the outcome (in person, by email or by post). This conversation is useful for addressing any concerns about ability to appeal at paragraph 10.13.1 (i.e. for those working away from home, email will be more efficient/useful than a posted outcome).

11. Appeals

- 11.1 If the grievance has not been resolved to your satisfaction, you may appeal in writing to the person identified in your outcome letter, stating your full grounds of appeal (using Form HR38) within seven calendar days of the date on which the decision was sent or given to you.
- 11.2 We will hold an appeal meeting, normally within fourteen calendar days of receiving your written appeal. This will be dealt with impartially by a [more senior] manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see paragraph 9).
- 11.3 You will be asked to state your grounds of appeal. You will also be able to ask questions, present evidence, call witnesses and be given the opportunity to raise points about any information provided by witnesses. You will be entitled to be accompanied by a trade union representative or a work colleague.

- 11.4 The original hearing manager will attend the hearing to present the reasons for the original decision and provide a response to the reasons for appeal. They will also answer any questions from the panel or the employee and their representative.
- 11.5 Once summing up has been concluded an adjournment must be held in order for there to be a reflection by the appeal panel to consider the outcome. Wherever possible, the employee shall be informed verbally of the outcome of the hearing at this stage. Please refer to paragraph 10.13 for guidance on delivering decisions/outcomes.
- 11.6 We will confirm our final decision in writing, usually within seven calendar days of the appeal hearing. This is the end of the procedure and there is no further appeal.

12. Post-Conclusion Support

- 12.1 The Trust encourages all parties to a grievance to conduct themselves in a professional manner at all times. Managers are reminded that they are representatives of the Trust and must conduct themselves appropriately at all times during, and after the conclusion of, a grievance.
- 12.2 Bullying, harassment or intimidation of any person involved in a grievance (whether the complainant or the person against whom allegations have been made) will not be tolerated and disciplinary action may be taken as appropriate.
- 12.3 We understand that working relationships may be affected by a grievance. The Trust has a variety of resources that employees may access, including the Counselling Service, internal mediation, the Occupational Health department and its team of HR advisors, who may signpost individuals to a particular service.
- 12.4 The Trust's Dignity at Work Policy may also be useful.

13. Untruthful or Malicious Allegations

- 13.1 This Policy & Procedure is designed to assist employees who have a genuine cause for concern. It is not designed to enable individuals to escalate untruthful or malicious allegations in bad faith.
- 13.2 Where we suspect bad faith, we will take disciplinary action under our Disciplinary Procedure, as appropriate.

14. Glossary of Terms

This policy uses the following terms:

Term	Description
CQC Regulations	The requirements of our regulatory body, the Care Quality Commission (the CQC)
HR37	The Trust's grievance form, available on the intranet and appended to this policy
HR38	The Trust's grievance appeal form, available on the intranet and appended to this policy

15. Training Required for Compliance with this Policy

- 15.1 Managers will receive training on the content of this policy and in best practice for implementing the procedure.
- 15.2 The HR team will receive training and regular updates on best practice in order to effectively support managers in conducting a fair process.

16. Equality & Diversity

- 16.1 The Trust is committed to ensuring compliance with the Equality Act 2010.
- 16.2 The Trust is committed to ensuring that the way that we treat our staff does not discriminate against individuals or groups on the grounds of any protected characteristic.
- 16.3 An Equality Analysis Assessment has been performed for this policy (see attached). Further information can be obtained from the Equality and Diversity team within the Communications and Engagement Department.

17. Monitoring Compliance with and Effectiveness of this Policy

- 17.1 The HR team will support managers in compliance with this policy and will report any concerns to the Head of HR.
- 17.2 From time to time, it may be appropriate to arrange debriefs with managers to review the way that a particular grievance was handled and to consider further training and development needs.
- 17.3 The HRBPs will share matters of best practice with their HR team and in turn, the HR team will share best practice with managers.
- 17.4 The Head of HR will monitor consistency in managerial decision making across the Trust and may recommend additional training and development for managers as required.

Compliance and Effectiveness Monitoring Table for this policy

Process in the policy	Monitoring and audit					
	Key Performance Indicators (KPI)/ Criteria	Method	Who By	Committee	Frequency	Learning/ Action Plan
Timescale for completion of grievance process, including appeal process	<ul style="list-style-type: none"> Acknowledge receipt within 7 days Arrange meeting within 14 days Completion of formal grievance process within 28 days Arrangements for appeal within 14 days 	Sample audit of grievance case files	Senior HR Manager not involved in the case	Workforce Committee via the HR Strategy Group	Annually	
Decision Making	<ul style="list-style-type: none"> Consistent decision making Best practice 	Case reviews/debriefs	Head of HR	Workforce Committee via the HR Strategy Group	On going	<ul style="list-style-type: none"> Sharing good practice Case Review Sessions Management Training

18. Consultation and Review of this Policy

This policy has been reviewed in consultation with the recognised Trade Unions.

19. Associated Documentation

19.1 This policy relates to and impacts upon

- Disciplinary Policy (POL-WOD-HR-7)

19.2 This policy refers to the following Trust documents:

- Dignity at Work Policy (POL-CE-ED-6)
- Whistleblowing Policy (EXT-CE-DOC-1)
- Disciplinary Policy (POL-WOD-HR-7)
- Data Protection Policy (POL-F-IMT-4)

20. Appendices

Appendix 1 HR37

**APPENDIX 1
FORM HR37**

Form for the Recording of Grievances (HR37)

This form must be used by individual employees or a group of employees and/or their staff representatives for raising a grievance under the formal Grievance Procedure.

On completion it must be signed and forwarded to the employee's line Manager or, in cases where the grievance is against the Line Manager, to that person's line Manager. Additional sheets may be attached if required.

Should a written complaint be submitted and addressed formally in an alternative format (eg email/letter) in these cases this will be treat as the HR37 form.

1 PARTIES TO THE GRIEVANCE

Please state the name(s) of those involved in raising this grievance and also of any representative(s).

NB. In the event of a collective grievance the Trust may ask for information on the numbers of staff and staff groups involved and signatures of every individual.

2 COMMUNICATIONS

Please state the name and address of the person nominated as the point of contact for further communication.

Please identify any dates when you or your representative are not available to meet to discuss the grievance.

THE GRIEVANCE

3 Please describe the nature of the grievance in as much detail as necessary to assist the manager(s) concerned to reach a resolution, continuing on a separate sheet if necessary.

4 OUTCOME OR REMEDY SOUGHT

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5 ORIGINATOR	6 RECEIVING MANAGER
(This will normally be the employee unless in the event of a collective grievance)	
Signature	Signature
Print	Print
Name.....	Name.....
Post Title.....	Post Title.....
Department/ OR	
Staff Organisation.....	Department
Date.....	Date.....
Contact Number.....	Contact Number.....

