

Grievance and Resolution Policy and Procedure

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Name of responsible committee / Individual	Employment Policy Group
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Version Control Sheet

Version	Section / Para / Appendix	Version / Description of Amendments	Date	Author / Amended by
1			May 2006	S Manning
2	Section 1	Equality statement added	August 2008	M O'Brien
	Section 2	Guidance on when a grievance and a disciplinary occur at the same time. Use of the term 'grievance officer'		
	Section 3	Second stage of grievance to be dealt with by different Grievance Officer and different HR rep		
	Section 5	Use of the term 'companion'		
	Section 8	More emphasis on the use		
2.1	Entire document	Review date for document extended to 31 March 2011 to coincide with LCHS/NHSL changes	December 2010	Sheila Manning
2.2	Whole Document	Policy realigned following implementation of the Transforming Community Health Services agenda (TCS) and new legal entity	March 2011	Rachael Ellis-Ingamells

3	Whole Document	Policy reviewed to streamline grievance stages	February 2013	Rita Trewartha Kim Todd Annie Burks
3.1		Extension agreed at EPG	May 2015	EPG
4	Whole Document Review		September 2015	EPG
5	Whole Document	Complete Revision	November 2017	Rachael Potter
6	Whole Document	Full review	September 2019	Francesca Civitillo

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Grievance and Resolution Policy and Procedure

Procedural Document Statement

Background Statement	The aim of the policy is to facilitate the resolution of concerns, problems or complaints that employees raise fairly, at an appropriate level and with minimum delay. It sets out a framework in which these matters can be considered, decided on and resolved in an efficient, constructive and fair manner. The overriding aim is to achieve a resolution at the earliest opportunity and at the lowest possible management level.
Responsibilities	Every member of staff has a personal responsibility to achieve and sustain high standards of performance and conduct at all times and to comply with this policy.
Training	Non specifically identified
Dissemination	Website
Resource implication	Non specifically identified
Consultation	Non specifically identified

1. Introduction

Grievances are concerns, problems or complaints that employees raise with their employers.

It is recognized that there may be times when an employee or a group of staff, may have a grievance about work, working conditions or relationships with colleagues.

This policy outlines the framework by which it is encouraged for grievances to be addressed in order to try and reach a resolution.

Issues that may cause grievances include (not an exhaustive list);

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment
- organisational change
- discrimination

2. Informal process

Many potential grievance issues can be resolved informally. In the first instance, employees are encouraged to make efforts to resolve the matter directly through a discussion with either their line manager, with the other person(s) concerned, or with both, as in many cases, an informal conversation will enable a resolution to be reached.

If the concern is about the line manager, employees should direct the issue or concern to the next level of management.

During any discussion in an attempt to resolve a grievance, it is important that the individual provides clarity as to the issue or concern, and how they would like the matter to be resolved.

When it is not possible or appropriate to resolve the matter informally, the matter may be progressed to be pursued formally.

3. Formal process

In order to raise the matter formally, employees will need to submit their grievance in writing within a reasonable timeframe setting out the nature of the grievance. This should be submitted to the line manager or a manager who is not the subject of the grievance.

Upon receipt of the formal grievance, consideration may be given to different working arrangements as an interim measure.

An independent Grievance Manager will be appointed and a written invitation to a Grievance Meeting will be issued to the employee without unreasonable delay. Employees may be represented or accompanied, if they wish, by a fellow worker, a trade union representative, or an official employed by a trade union during formal meetings.

At the Grievance Meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved.

At the end of the Grievance Meeting, the Grievance Manager will decide what action to take, if any. In some cases, further investigations may need to be undertaken before a decision can be reached.

Written confirmation of formal outcomes will be provided to the employee and will set out the outcome of the Grievance Meeting and any further action, along with the right of appeal.

4. Appeals process

Where an employee has the right of appeal against a decision, this will be detailed within the written confirmation of formal outcome provided to the employee.

An employee who wishes to appeal a decision must do so in writing within seven calendar days of confirmation of the outcome in writing, stating the grounds for appeal.

The appeal chair will be independent and of a level of seniority above that of the original decision maker. Additional panel members may also be invited where this is deemed necessary.

The panel will hear the appeal and decide the case as impartially as possible. It is open to those hearing the appeal to consider if the original decision will be confirmed, revoked or replaced with an alternate decision according to their judgement as to the appropriateness of the decision at the previous stage having regard to all the circumstances of the matter.

The final decision given at the stage of an appeal will be confirmed in writing and there will be no further right of appeal.

5. Collective Grievances

The term “collective dispute” is used to describe matters which affect a group of employees and which involve national and/or local negotiations on issues relating to the introduction and application of terms and conditions of service. Only recognised trade

union representatives may use this procedure. A request from a local trade union representative to use the collective disputes procedure should be supported by their Regional Trade Union Officer. It is recognised that more than one union and therefore representative, may be involved in a particular dispute.

In any dispute, both the Trust and its recognised trade unions agree to negotiate in good faith with a view to reaching agreement. Matters of dispute must be referred to the Director of People and Innovation or their nominated deputy. Appropriate action at this point may then include meetings with the trade union(s) concerned. This may involve input from members of the Trust's Executive team and/or Trust Board as required.

In the event of a failure to agree, the parties will consider whether external conciliation and/or arbitration is appropriate. The dispute may be referred to ACAS for arbitration by mutual agreement only. Either side may refer matters for conciliation. However, where it is agreed that an outside body is to be involved, its role must be clearly defined beforehand.

6. Grievances by an ex-employee

An ex-employee of the Trust may submit a grievance providing this is done within one month of the last date of their employment. The grievance will be reviewed, considered, and investigated, and a response confirming the outcome will be provided in writing.

7. Support

In addition to other identified ways to raise issues and concerns, the Trust's Freedom to Speak Up Guardian provides staff with access to an independent and impartial source of advice at any stage of raising a concern. Staff will be offered the necessary guidance and support and kept updated as to what is happening with their concern.

Mediation is a voluntary, confidential and solution focused service available to all LCHS staff and is an alternative form of dispute resolution addressing workplace tensions. Mediation can be useful at any stage of a dispute and is most effective in the early stages. There is no formal outcome and a mutually developed agreement may be reached to be future focused and improve working relationships.

The Bupa Healthy Minds service is designed to help employees talk through any worries and concerns they may be experiencing and can provide information and support. Any conversations will be strictly confidential unless it is determined that the employee, or someone else, may be at risk. The Healthy Minds telephone helpline is available 24 hours a day, 7 days a week on 0800 269 616.

Monitoring Template

This template should be used to demonstrate compliance with NHSLA requirements for the procedural document where applicable and/or how compliance with the document will be monitored.

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals /group /committee	Frequency of monitoring /audit	Responsible individuals / group / committee (multi-disciplinary) for review of results	Responsible individuals / group / committee for development of action plan	Responsible individuals / group / committee for monitoring of action plan
Record of all formal grievances, including the nature of the grievance, the outcome of the grievance, whether an appeal was lodged, the outcome of the appeal.	ER Tracker	Operational Managers, Practitioner Performance Review Meetings, People Executive Group	Quarterly	Practitioner Performance Review Meetings, People Executive Group	Operational Managers, Practitioner Performance Review Meetings	Operational Managers, People Executive Group

Equality Analysis

Name of Policy/Procedure/Function: Grievance and Resolution Policy and Procedure

Equality Analysis Carried out by: Francesca Civitillo

Date: September 2019

Equality & Human rights Lead: Rachel Higgins

Date: September 2019

Director\General Manager: Ceri Lennon

Date: September 2019

Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	The Policy complies with the good practice principles reflected within the ACAS Code of Practice on handling grievances. Employees are free to raise concerns and grievances without fear of redress or victimisation.
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details	No.
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? Please give details	No.
D.	Will/Does the implementation of the policy\service result in different impacts for protected?	No.

	Yes	No	
Disability		X	
Sexual Orientation		X	
Sex		X	
Gender Reassignment		X	
Race		X	
Marriage/Civil Partnership		X	
Maternity/Pregnancy		X	
Age		X	
Religion or Belief		X	
Carers		X	
If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2			
The above named policy has been considered and does not require a full equality analysis			
Equality Analysis Carried out by:	Francesca Civitillo		
Date:	September 2019		