

# Grievance Policy and Procedure

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## Grievance Policy Version Control Sheet

Version	Section	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

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## Grievance Policy Policy Statement

<b>Statement</b>	The aim of the policy is to facilitate the resolution of concerns fairly, at an appropriate level and with minimum delay. It sets out a framework in which problems or concerns can be considered, decided on and resolved in an efficient, constructive and fair manner. The overriding aim is to achieve a resolution to a complaint at the earliest opportunity and at the lowest possible management level.
<b>Responsibilities</b>	For a breakdown of manager, employee, Workforce and Staff Side/Trade Union representative responsibilities, please see the Your Behaviour Matters Toolkit
<b>Training</b>	Workshops are available for managers on the Your Behaviour Matters policies
<b>Dissemination</b>	Website
<b>Equality &amp; Diversity</b>	This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.
<b>Confidentiality</b>	All expected to adhere to the LCHS way and confidential

# Grievance Policy

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# Grievance Policy

## 1. Introduction

We recognise that there may be times when you, either as an individual or as a group of staff, may have a concern about your work, working conditions or relationships with colleagues that you wish to talk about with management.

This policy outlines how you can discuss these concerns with your manager in order to try and reach a resolution.

Issues that may cause grievances include (however please note that is 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

Please note that this policy will not apply where there is a separate procedure dealing with a matter, e.g. disciplinary, capability.

## 2. The informal process

In many cases a conversation with your manager or the person (s) involved will be all it takes to resolve your concerns. Therefore in first instance you will need to make efforts to speak to either your manager or resolve the matter directly through a discussion with the other person(s) concerned, or through a discussion with both.

If the concern is about your manager then you will need to speak to next level of management.

During the informal discussion it is important that you are clear about the issues and how you would like them to be resolved so that the manager/ person(s) can try and help you reach a resolution.

If you have any concerns you can also contact the Freedom to Speak Up Guardian.

In the event you try the informal process and are not able to reach a satisfactory resolution then you can progress your concerns to the formal process. There may be cases which can progress straight to the formal process.

### **3. The formal process**

In order to raise your grievance formally you will need to complete a Grievance Pro Forma within a reasonable timeframe and this should be either to your line manager or a manager who is not the subject of the grievance, or Workforce.

Upon receipt of the Grievance Pro Forma consideration may be given to different working arrangements as an interim measure.

Please note that any grievance received related to organisational change will not permit the organisational changes to be stopped in order to minimise and/or avoid directly or indirectly impact on the delivery of services and business continuity.

A Grievance Manager will be appointed and this will be an independent manager. The Grievance Manager will write to you, usually within 14 working days, to invite you to attend a Grievance Meeting.

At the Grievance Meeting you have the right to accompanied by an appropriate work colleague or a Trade Union representative not acting in a legal capacity. At the Grievance Meeting you will be given the opportunity to explain your grievance and how you think it should be resolved.

A Workforce Representative will also attend the Grievance Meeting.

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.

The Grievance Manager will write to you to confirm the outcome of your grievance. This normally takes place within 5 working days' of the Grievance Meeting or the completion of the investigation.

### **4. Appeals Process**

In the event you feel your grievance has not been satisfactorily resolved you have the right to appeal against the outcome.

The purpose of an Appeal Hearing is to consider any new information, ensure that the correct process was followed and ensure that the outcome was reasonable to the circumstances.

Employees must submit their reasons for appealing in writing within 5 working days of notification of the outcome. You will be advised at the time you are notified of your outcome of whom you need to send your reasons for appeal to.

Upon receiving the reasons for the appeal the manager will arrange for an Appeal Hearing to take place and this should take place within 10 working days of receiving the appeal. The employee will usually receive 7 working days' notice of an Appeal Hearing and has the right to be accompanied by a work colleague or a staff side/ union representative.

The appeal hearing will consist of an Appeal Chair who had not previously been

involved with the formal grievance process and a Workforce Representative.

The decision given an Appeal Hearing is final and there is no further right to an internal review.

## **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 organisation 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 Workforce and Transformation 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**

If you have a concern after you have left the Trust you can submit the nature of your grievance in writing within 1 month of your last date of employment. We will investigate the grievance and respond to you with the outcome in writing.

## Equality Analysis

<p><b>Name of Policy/Procedure/Function*</b>  <b>Grievance Policy</b></p> <p><b>Equality Analysis Carried out by: Rachel Potter</b>  <b>Date: November 2017</b>  <b>Equality &amp; Human rights Lead: Rachel Higgins</b></p> <p><b>Director\General Manager:</b>  <b>Maz Fosh</b></p>
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<p><b>*In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.</b></p>
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### 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 grievance resolution processes that employers are required by law to have as, part of the Dispute Resolution Regulations 2004. It also 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? <b>Please give details</b>	No
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? <b>Please give details</b>	No

D.	Will/Does the implementation of the policy/service result in different impacts for protected characteristics?			
		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	
	<b>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</b>			
The above named policy has been considered and does not require a full equality analysis				
<b>Equality Analysis Carried out by:</b>		Rachel Potter		
<b>Date</b>		November 2017		