

# Grievance Policy

## Policy Control

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## Version Control

Version No	Date	Editor Initials	Consultation Route	Revision Description
1.0	28/05/2008		Board	New policy
1.1	01/09/2009	AM	Historical – not recorded	Amendment to passages concerning representation following adoption of Policy Concerning Staff Accompaniment. No change in review date.
2.0	01/05/2011	TW	Q&HG Committee	New policy
3.0	01/05/2012	TW	Q&HG Committee	New policy
3.1	01/06/2014	SJ	Historical – not recorded	Administrative updates made to reflect Trust structures
4.0	06/08/2015	HD	Employee Strategy and Engagement Committee	New policy
5.0	22/10/2018	ES	PRG, E&D, HR, GNG, DHR	New template, clearer link between bullying & Harassment and this policy, email submissions acceptable

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# Grievance Policy

## 1. What this policy covers

The Trust is committed to ensuring you are managed in a supportive, consistent, fair and effective manner.

This policy is designed to support you should you wish to raise a grievance in respect of your employment. Issues relating to Bullying & Harassment should *initially* be resolved via the separate [Prevention of Bullying & Harassment policy](#).

Further information can be found at the following websites:

[Ourspace Link](#)

[www.acas.org.uk](http://www.acas.org.uk)

[www.direct.gov.uk](http://www.direct.gov.uk)

This policy will:

- Clearly set the Trust's expectations.
- Help you understand the process.
- Detail the responsibilities of managers and others in maintaining a working environment where employees are treated fairly, with mutual respect and where proportionate decision making is undertaken.
- Apply to all directly employed Trust employees, but shall not override any specific provisions/processes established for Medical and Dental and Bank workers.

## 2. Principles

All issues will be taken seriously, and we aim to resolve them impartially and in a timely manner where possible. Every reasonable effort will be made to achieve a satisfactory outcome taking into account the needs of the service. No individual should be victimised as a result of raising a complaint or supporting any individual to raise a complaint. Such

behaviour may be dealt with under the [disciplinary policy](#).

- Contrary to popular belief, an individual does not need to put issues in writing to raise a concern informally – the expectation is that management will discuss issues directly and act as and when they are communicated to them.
- Managers will treat allegations in good faith. Similarly there is an obligation upon employees that issues must also be raised in good faith - If it is established that this is not the case, disciplinary action may be considered.
- Should you submit a grievance but then fail to engage in the process, it will be assumed that you no longer wish to proceed.
- Grievances should be submitted in a timely manner and as such issues raised regarding events of more than 3 months old may not be considered unless they are part of an escalating situation.
- If an issue of conduct or capability is identified it may be deemed necessary refer the case to the separate [Trust process](#).

## 3. Responsibilities

- **Executives/Senior Management** have overall responsibility for developing and maintaining a reasonable, open, fair and consistent culture and ensuring that cases are dealt with fairly and effectively.
- **Managers** should act to protect all individuals involved and investigate situations thoroughly.
- **All trust employees** are responsible for ensuring compliance with conduct requirements and engaging in all trust processes fully.
- **The Employee Relations (HR) Team** are responsible for providing professional HR



# Grievance Policy

advice and should be consulted on all formal cases of this nature.

- [Unions, Freedom to Speak Up Guardian & Champions](#) should provide independent support and assistance and guide individuals to seek a solution.
- All involved should maintain confidentiality where possible.

## 4. Definitions

### 4.1 What is a Grievance?

- A dispute/disagreement where it affects the service, team, colleagues.
- Lack of action where a situation has demanded it.
- Unfair AWP terms and conditions of employment.
- Risks to health and safety.
- Abusive relationships at work – see [bullying & harassment policy](#).
- Unfair working practices.
- Unfair organisational change processes.
- Unjust and illegal discrimination.

### 4.2 What is not a Grievance?

Unless arising from a flawed process, the following are examples that could be considered as normal management action and as such a grievance should not *normally* be raised:

Note - Unless arising from a flawed process:	
'Difficult' service decisions	Performance management
Disciplinary policy actions	Job banding outcomes
Sickness management actions	Nationally negotiated terms
Legislation/where Trust does not have jurisdiction	Issues outside of Trust control e.g. tax
Government policy	Whistleblowing
Expressions of professional agreement/challenge	

### 4.3 Formal Mediation consideration

The Trust provides mediation in a confidential safe environment.

- Participation is voluntary and can be used at any stage. However it is most effective at the informal stage, or even outside of the policy.
- The process does not make judgements or determine outcomes but helps participants to resolve differences where possible and uncover the underlying problems.
- Mediation it is not always suitable but can facilitate healthy communication and may aid in resolving many situations.
- Mediation should always be carefully considered and we recommend you speak to the [mediation coordinators](#) for further guidance.

### 4.4 Collective Grievance

In situations where a grievance may involve more than one individual, then a collective grievance may be raised under the policy.

### 4.5 Status Quo

When a formal grievance is raised, it may be appropriate to suspend any planned changes that cause the grievance until it has been heard and to maintain the status quo. Exceptionally, there will be circumstances such as significant health and safety or service delivery when this is not possible as it may affect service users or breach obligations. In such circumstances the Trust reserves the right to implement the change and rationales for this explained.

### 4.6 In Summary

The Trust recognises that grievances must be taken seriously. Many issues will be nipped in the bud at an early informal stage without the need for formal intervention.



# Grievance Policy

*“When issues are reported, management are advised to prioritise and address the issue informally.”*

You may be advised that issues of a serious nature are better dealt with under a different Trust process such as safeguarding concerns. In such cases, due to confidentiality you may not have an obvious outcome to your grievance but will be reassured that a Trust process has been completed.

If a matter has been dealt with under the Trust [Prevention of Bullying & Harassment policy](#) and not resolved satisfactorily, then it will come into this policy under the formal stage.



## 5. Policy in Practice

The policy has 2 distinct stages:

- Informal (& Bullying & Harassment Policy)
- Formal Grievance Meeting

Should the manager who receives a formal grievance or appeal feel that the previous stage has not been fully explored, they can decide that it is looked at again at the previous stage.

### 5.1 How do I raise a complaint?

Grievances will initially be dealt with informally and you should discuss this with

your line manager verbally or in writing. Should the concern relate to your line manager, then please discuss this with the HR team who will facilitate finding a suitable independent manager.

### 5.2 I am not sure I feel able to report?

Should you feel unable or unsure or just wish to talk through the situation first, there are a number of individuals in and outside the Trust who we would strongly recommend you [talk with](#).

### 5.3 What information should I provide?

When raising a grievance it is important that you clearly describe:

- The issue – detailed account, dates, times, witnesses etc.
- How this is affecting you.
- What reasonable and suitable outcome you wish to achieve.

### 5.4 What management process will be followed?

Each case may be dealt with differently as management will need to adapt processes to the individual circumstances. Initially however we would encourage informal resolution if possible. Formal processes will therefore be considered when these attempts have failed, or if the nature of the complaint is deemed to warrant action under another Trust process.

### What is the Informal Stage?

On receipt the manager will promptly conduct a discreet fact finding exercise to determine what action can be taken and attempt to resolve the situation informally. They will:

- Gather evidence/make a fair assessment.
- Speak to individuals identified.



## Grievance Policy

- Liaise with specialist if required e.g. HR, Equality Lead, Occupational Health, Security Mgt Specialists etc.
- Examine the situation, rationale, any mitigation.
- Keep in regular contact with parties involved, provide updates routinely and timescales for completion – managers will be held to account regarding timescales but it is recommended that the process is prioritised and agreement made if expectations are beyond 14 days.
- Recommend a way forward or if action is required under other policies.

The manager will maintain a local record of the fact finding exercise and actions they recommend e.g. within supervision or [file notes](#). These records may form part of any formal process in the future and at this stage should be sent to HR for storing in the central files. The manager may also prefer to confirm their decision in writing summarising and including any resolution agreed.

### What possible solutions/outcomes may be suggested?

Each case will be dealt with based on its individual situation and may include:

- Facilitated or individual discussion.
- Apologies.
- Mediation.
- Coaching/mentoring.
- Management under an alternative process stress/health management, disciplinary performance etc.

### Formal Stage - What if it continues or is deemed too serious to deal with informally?

If the informal discussions did not resolve the situation and you feel that you have reasonable grounds for moving to the formal stage, you should raise this with the next level

of line manager and consult with the [HR Team](#).

In addition to providing the detail from the informal stage, you **must** also complete the [submission form](#) that will cover:

- A summary of how you have tried to resolve the issue informally.
- Why attempts to resolve have not worked and therefore what reasonable and suitable outcome you now wish to achieve.

Your formal grievance should be acknowledged by the manager within 5 calendar days where possible and a proposed timescale discussed. However it is recommended that a formal meeting be held within 28 days of receipt.

The manager will arrange a formal grievance meeting; this will usually include inviting the manager who dealt with the informal stage. You will be entitled to bring representation in line with [Trust policy](#).

You should ensure that you and/or your representative are fully prepared to present your grievance and able to answer any questions relating to it.

Any documents that you or the presenting manager wish to be considered should be sent at least 5 calendar days before the hearing date, including the names of any witnesses either side may wish to call. The manager who dealt with the informal stage will be asked to submit documentation and report on their decision making process. The information submitted will then be shared with all parties.





## Grievance Policy

The Grievance will be heard by a manager who has not previously been involved. They will be supported by an HR representative acting as an advisor. If the issue concerns professional practices then involvement of an appropriate professional as an advisor to the panel may also be required.

At the hearing, both parties will present their case, call any witnesses and in addition to the panel members' questions, both parties will also be able to ask questions.

After both cases have been heard, the hearing will be adjourned so that the panel can consider their decision. Both parties will then be recalled and the chair will inform them of their decision. The outcome will usually be confirmed in writing within 5 calendar days, including whether the grievance was upheld or not and the reasons why.

In certain circumstances, the panel may need more time to reach a decision, in which event the panel will confirm the timeframes for communicating an outcome.



### 5.5 Appeal

If the formal process did not resolve the situation and you feel that you have reasonable grounds to appeal, for example in respect of policy application, then you may wish to consider appealing.

*“Appeals should be sent to:  
[awp.HRBoardAppealsMailbox@nhs.net](mailto:awp.HRBoardAppealsMailbox@nhs.net)  
detailing the exact grounds of  
appeal”.*

A reasonable timeframe for submitting an appeal will have been detailed to you in the outcome letter from the formal stage. You are therefore required to provide all of the following in time.

- Any new evidence that was not previously available.
- Rationale for your appeal – i.e. details of where the previous stages have not followed correct process, including how you believe this applies.
- What reasonable and suitable outcome you wish to achieve now.

An appeal hearing will be arranged, the process and timescales for which will mirror those delivered when hearing the formal grievance.

The panel members will usually be senior management from the relevant locality (unless they have been involved previously, in such cases you will be advised of the members of the panel at the earliest possibility) and an HR representative who has not had prior direct involvement in any aspects of the grievance. The decision of the appeal hearing will be final.

### 5.6 Overlapping Disciplinary/Capability processes

Grievances cannot be raised as a result of a manager initiating the disciplinary or capability processes.

The only exception would be when individuals believe they have been treated unreasonably



## Grievance Policy

for example being discriminated, victimised, bullied, harassed or in relation to raising a concern.

In most circumstances both processes can run in parallel but advice should be sought from the [HR Team](#).

### 5.7 Voluntary Resignations

If you raise a grievance then subsequently resign, we may continue with the grievance until an outcome is reached.

### 5.8 Vexatious or malicious Grievances

If individuals raise a grievance that, through investigations proves to be vexatious or malicious then management may deal with the situation under the [Disciplinary policy](#).

### 6. Monitoring

The Trust will monitor the policy through data gathering and analysis and will use frameworks such as the equality delivery system and the workforce race equality standard to identify and where appropriate address disparities between different groups. Data on grievances from the formal stage onwards will be captured and monitored.

