

**Directorate of Human Resources  
and Organisational Development**

# **GRIEVANCE POLICY**

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Northern Lincolnshire and Goole Hospitals NHS Foundation Trust actively seeks to promote equality of opportunity and good race relations.

The Trust seeks to ensure that no employee, service user, or member of the public is unlawfully discriminated against for any reason, including their religion, beliefs, race, colour, gender, marital status, disability, sexual orientation, age, social and economic status or national origin.

These principles will be expected to be upheld by all who act on behalf of the Trust, with respect to all aspects of this document.

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## 1.0 Purpose

Individuals who feel they have been unfairly treated have the right to express their grievance. The aim of this policy and procedure is to ensure that grievances are properly considered and are dealt with fairly, consistently and speedily. It is anticipated that the majority of grievances will be satisfactorily dealt with at supervisor/line manager level and that the best possible service to patients will be maintained throughout the process.

## 2.0 Area

This policy and procedure applies to all staff excluding the Chief Executive and members of the Trust Board, for whom separate arrangements apply.

It covers both individual and collective grievances regarding issues such as terms and conditions of service, health and safety, work relations, new working practices, working environment, organisational change and equal opportunities.

If you have a concern regarding bullying and harassment please refer to the Bullying and Harassment Policy. If you have a concern which is not about you personally, please refer to the Speaking Out Policy or Local Counter Fraud Policy. If you are unsure which Policy is appropriate, please contact Human Resources or your Trade Union representative.

## 3.0 Duties

Individuals – should raise issues with his/her immediate manager in the first instance.

Managers – should attempt to resolve the matter with the individual in the first instance. Where this is not achieved, the manager who received the grievance should make arrangements for the grievance to be heard at the next appropriate stage.

Human Resources – provide advice throughout the process, and will inform parties about the procedures including at which stage the grievance should be heard.

## 4.0 Actions

### 4.1 General Principles

4.1.1 The aim of the Trust is to ensure that all grievances are investigated, reviewed and resolved as quickly and fairly as is possible and at the lowest appropriate management level.

4.1.2 In normal circumstances, the individual with a grievance should always try to resolve the matter with his/her immediate line manager/supervisor in the first instance. The individual may wish to talk with a member of Human Resources staff and/or their Trade Union/professional association who will provide advice.

- 4.1.3** At each stage of the grievance procedure, the individual may be represented by a Trade Union Representative or a Trust colleague or friend not acting in a legal capacity and may call witnesses if required.
- 4.1.4** All documentation, including witness statements to be presented as evidence, must be circulated to all parties involved, at least 48 hours prior to meeting.
- 4.1.5** A hearing will be arranged within 10 working days of the initiation of each stage unless extended time scales are mutually agreed. It is the responsibility of the aggrieved employee to make arrangements for any witnesses he/she wishes to call, in liaison with HR and Trade Union representatives.
- 4.1.6** It is the responsibility of the individual, with their representative, to present the details of the grievance which includes all relevant information and witness details.
- 4.1.7** No change will be implemented, where that change is the subject of an individual or collective grievance, until the grievance procedure has been exhausted, that is, the status quo will apply.
- 4.1.8** Managers cannot use this procedure to resolve differences with their staff and should seek to resolve issues through normal management procedures.
- 4.1.9** Where it is considered that an individual or group is pursuing a false or vexatious grievance, this should be reviewed in conjunction with a senior member of Human Resources and the individual's Trade Union Representative or Trust colleague or friend not acting in a legal capacity before allowing it to proceed to the next stage.

## **4.2 Procedure**

### **4.2.1 Stage I**

If the matter has not been resolved informally, a formal grievance should be made in writing to the next level of management and copied to Human Resources.

A grievance hearing will be arranged by the appropriate line manager who has received the grievance within 10 working days of the grievance being submitted. All parties will be given at least 5 working days notice of a hearing, except where this is waived by mutual consent. The outcome of the hearing will be confirmed to all parties, in writing, within 7 working days of the hearing, by the manager hearing the grievance

### **4.2.2 Stage 2 (Appeal to next stage of management)**

If the individual wishes to appeal against the decision made at Stage I of the procedure, then this must be notified, in writing, to the next level of management and copied to Human Resources, within 10 working days of the date of written confirmation of the Stage I decision. Within 10 working days a grievance hearing will be arranged by the next level of management. Documentation relating to the grievance hearing at the previous stage will be made available to all parties dealing with the subsequent stage.

In the event that new evidence, including witnesses, has come to light which was not available for the individual at a first hearing, then the first hearing will be reconvened for the original manager to consider the implications and effects of the new evidence.

#### **4.2.3 Stage 3 (Appeal to the Trust Board)**

If the individual or group is dissatisfied with the outcome of the Stage 2 hearing they have the right to appeal to a panel of three Trust Board members. The appeal must be notified in writing to the Director of Human Resources within 10 working days of the date of written confirmation of the Stage 2 decision. The Trust Board Panel will be convened within 21 days to hear the appeal. Documentation relating to the grievance hearing at the previous stages will be made available to all parties dealing with the subsequent stage.

#### **4.3 Protocol for Hearing Grievances at Trust Board:**

- 4.3.1** The Chairperson will confirm to the parties the nature of the grievance, as notified by the individual concerned or their representative.
- 4.3.2** The Chairperson will ask the aggrieved employee/representative to present his/her case in support of the grievance and to introduce any witnesses.
- 4.3.3** The panel may question either the employee/representative and/or his/her witness(es).
- 4.3.4** The individual/representative against whom the grievance has been raised may question the employee and/or any witness(es).
- 4.3.5** The Chairperson will ask the manager or individual to respond to the grievance, and to introduce any witness(es) in support of the response.
- 4.3.6** The panel may question either the manager or his/her witness(es).
- 4.3.7** The employee/representative may question the manager or his/her witness(es).
- 4.3.8** The Chairperson will ask the employee/representative to summarise his/her case.
- 4.3.9** The Chairperson will ask the manager or individual to summarise his/her response.
- 4.3.10** The Chairperson will then adjourn the hearing and the panel will consider the evidence that has been presented and may at this stage choose to seek further evidence or advice from other parties. Should this be the case, all parties will be informed as to the nature of the enquiry.
- 4.3.11** The Chairperson will inform both parties of the panel's decision in writing within 7 working days of the hearing.

#### **5.0 Monitoring Compliance and Effectiveness**

The Director of HR/OD will be responsible for reviewing the policy on a 3-yearly basis in conjunction with staff side colleagues and other key stakeholders to ensure the policy remains fit for purpose, identify where changes are required in order to comply with any relevant nationally agreed policies and/or legislation and monitor its overall efficacy.

Awareness of the policy will be tested via staff surveys/intranet polls, and appropriate action taken depending on the outcome of such surveys.

Key HR performance indicators will be monitored and reported to the Trust Board, Directorates/Divisions and Staff Side on an agreed basis.

## **6.0 Associated documents**

Speaking Out Policy

Local Counter Fraud policy

Bullying and Harassment Policy

## **7.0 References**

7.1 ACAS – Code of Practice 1 – Disciplinary and Grievance Procedures

## **8.0 Definitions**

Grievance – a concern, problem or complaint that employees raise with their employees (ACAS Code of Practice).

## **9.0 Consultation**

This policy has been developed following extensive consultation with key stakeholders including Staff Side and the Trust Management Group.

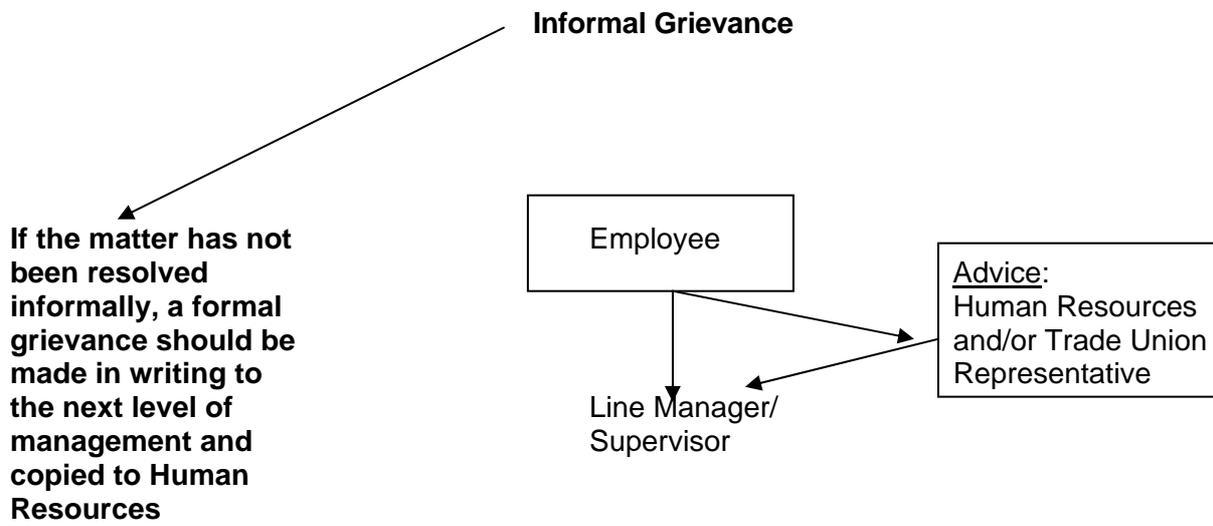
## **10.0 Dissemination**

Via Directorate and Divisional meetings, the Trust's intranet and training and development events including line managers training.

## **11.0 Implementation**

The Human Resources Managers will provide appropriate training and advice to aid the successful implementation of this policy.

**Appendix 1**



**Appendix 2**

**Formal Grievance**  
**STAGE 1**

Grievance Hearing:  
Line Manager and Employee

TO BE WITHIN 10 WORKING DAYS OF THE GRIEVANCE BEING SUBMITTED

Outcome:  
Manager  
  
All Parties

TO BE CONFIRMED IN WRITING WITHIN 7 WORKING DAYS OF THE HEARING

If the individual wishes to appeal against the decision made at Stage 1 of the procedure

**STAGE 2**  
**Appeal to the next Stage of Management**

Employee

APPEAL TO BE NOTIFIED TO NEXT LEVEL OF MANAGEMENT, CC TO HUMAN RESOURCES , IN WRITING WITHIN 10 WORKING DAYS OF THE DATE OF WRITTEN CONFIRMATION OF THE STAGE 1 DECISION

Next Level of Management copied to Human Resources

Documentation relating to the Grievance Hearing at the previous stage will be made available to all parties dealing with the subsequent stage. In the event of new evidence, including witnesses, coming to light which was not available for the individual Stage 1 hearing, then the first hearing will be reconvened for the original manager to consider the implications and effects of the new evidence

Grievance Hearing:  
Next Level of Management and Employee

TO BE ARRANGED WITHIN 10 WORKING DAYS

Outcome:  
Manager  
↓  
All Parties

TO BE CONFIRMED IN WRITING WITHIN 7 WORKING DAYS OF THE APPEAL HEARING

If the individual/group is/are dissatisfied with the outcome of the Stage 2 hearing, they have the right to appeal to a panel of 3 Trust Board Members

**STAGE 3**  
**(Appeal to the Trust Board)**

Employee/Group

APPEAL TO BE NOTIFIED IN WRITING, WITHIN 10 WORKING DAYS OF THE DATE OF WRITTEN CONFIRMATION OF THE STAGE 3 DECISION

Director of Human Resources

Trust Board Panel to be convened