



GRIEVANCE POLICY

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Director of HR

Reviewer:

Grampian Area
Partnership
Forum

Approver:

Grampian Area
Partnership Forum.

Signature

Signature

Signature

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**NHS GRAMPIAN
GRIEVANCE POLICY**

If you have difficulty understanding the English language, this policy can be made available to you in a language of your choice.

This policy can also be made available, on request, in other formats e.g. in large print or on a computer disk.

For all requests for copies of this policy in another language, or in an alternative format, please call the Corporate Communications Team on 01224 554400.

NHS GRAMPPIAN GRIEVANCE POLICY

1 INTRODUCTION

NHS Grampian encourages open and honest communication at all levels. It recognises, however, that employees may, from time to time, wish to seek redress in respect of grievances arising from their employment.

Employees and managers must make every effort to resolve issues at the earliest possible opportunity and at the most local level possible i.e. before resorting to the formal procedure. Matters should, therefore, be dealt with as they occur and be settled as near to the point of origin as possible and as quickly as is reasonably practicable.

It is, however, recognised that a formal procedure is necessary in order to resolve grievances quickly, to allow employees to pursue concerns relating to their working conditions without fear or recrimination, to prevent conflict and to maintain stable employee relations.

2 TYPES OF GRIEVANCE

The procedure set out in this Policy is designed to cover all grievances arising out of employment with the organisation, including grievances related to pay or conditions of service, but excluding issues related to Job Grading, irrespective of whether these are:

Individual: those which concern one employee who seeks a satisfactory solution to a personal difficulty or

Collective: those which occur when a group of employees share a complaint, usually through their Trade Union or Staff Organisation.

3 GENERAL PRINCIPLES

All stages of this policy are subject to the following general principles:

- All grievances and disputes concerning matters arising out of employment with NHS Grampian will be settled in accordance with the procedure outlined in this policy;
- In circumstances where a grievance or dispute arises from the implementation of another staff management policy e.g. the Employee Conduct Policy, it should be addressed at the formal stage(s) of this policy:

- All employees should receive a fair hearing when they raise a grievance and the spirit and intention of this policy is to promote the best possible relations between managers and employees;
- At every stage of this procedure, both formal and informal, all employees are entitled to be represented by one of the following:
 - a Trade Union or Staff-Side Organisation representative (including full-time Trade Union Officers),
 - a fellow member of staff, or
 - a friend or relative not acting in a legal capacity.

Employees who have little or no experience of working life and employees with learning difficulties also have the right to be accompanied by a parent/guardian at all stages of this procedure, both formal and informal.

- The provisions outlined in this procedure do not preclude informal discussions between the manager, the employee and their trade union/professional organisation representatives, as it is recognised that informal approaches can be an aid to resolving grievances;
- Employees have the right to state their own case at all stages of the procedure.
- The equality, diversity and rights of employees must be respected at all stages of the procedure e.g. they must not be discriminated against and should be treated fairly and with civility etc.
- No one who has previously had involvement in a grievance, either formally or informally, should sit on the panel at a subsequent stage of the procedure.
- Managers should reaffirm confidentiality with all concerned at all stages of the procedure.

4 SCOPE OF THE POLICY

(i) Current employees

The provisions of this policy are available to all employees, except in circumstances where:

- They fail to comply with the relevant time limits stated in the procedure, unless the relevant manager agrees to a particular time limit being waived;

- They attempt, within six months of the completion of any action under the provisions of this policy, to invoke the policy in respect of the same, or a related, grievance **unless** any action decided upon by management to redress the previous grievance has not been implemented. The policy can, however, be invoked in respect of a new and unrelated, grievance;
- They attempt to raise a grievance in connection with any matter over which NHS Grampian has no control.

(ii) Former employees

The provisions of this policy are also available to former employees who have a grievance which could lead to a claim at an Employment Tribunal. However, where both the former employee and NHS Grampian agree in writing, the modified procedure outlined in Appendix 6, may be used instead of the full procedure outlined in Section 8 of this policy.

5 TIME LIMITS ON HANDLING A GRIEVANCE

All grievances should be dealt with as quickly as possible, with both parties endeavouring to reach agreement at as early a stage as possible. The time limits recorded in this procedure are, therefore, the **maximum** times and should not be arbitrarily exceeded, although they may be varied with the agreement of both parties.

In circumstances where a manager does not deal with a grievance within the time limits specified, the employee will have the right to proceed to the next stage of the procedure.

Where an employee fails to comply with the time limits specified below, the procedure will cease to apply and the grievance will be considered to be settled or withdrawn, **unless** it is agreed that the failure to comply with the particular time limit was outwith the control of the employee.

Where a particular manager is not available, a nominated deputy will be appointed to ensure that the procedure is followed within the specified time limits.

6 STATUS QUO

‘Status quo’ is defined as:

The working arrangements that were in place prior to a change in working practice, or other issue, in respect of which the grievance was raised.

While the status quo should ordinarily operate until the procedure has been exhausted, there are two exceptional circumstances where it may be set aside, namely:

- when an agreement is reached by all parties to do so and
- where the continuation of the status quo will result in the breach of a statutory, or any other mandatory, regulation, or where it would be to the detriment of another employee/future employee e.g. where an offer of employment has already been made to a external candidate

7 HUMAN RESOURCE INVOLVEMENT

HR Teams are available to managers and employees for advice and support at all stages of this procedure and an appropriate member of the HR Department should be present at all formal Grievance Hearings.

8 PROCEDURE

See also:

- **APPENDIX 1 – GRIEVANCE PROCEDURE FLOW CHART**
- **APPENDIX 2 – CONDUCT AT FORMAL HEARINGS**

8.1 Informal Stage

When an employee feels aggrieved about an issue they should, in the first instance, raise it informally with their ¹immediate manager/supervisor who should meet with the employee within 2 working days of being advised of the grievance. Following consideration of the matter, the immediate manager/supervisor should advise the employee, verbally, of their decision within two working days of the meeting. In responding to the employee, the manager/supervisor concerned must advise the employee of the name of the manager to whom they may refer the matter if they are not satisfied with the outcome.

¹ (Where the employee's grievance is with their immediate manager/supervisor they should initially raise the matter with the person to whom their manager/supervisor reports.)

As every attempt should be made to resolve grievances informally, consideration should be given to asking a member of the relevant HR Team, or other appropriate person, to facilitate the meeting, if both the aggrieved employee and management agree. Similarly, consideration should be given to arranging one or more subsequent informal meetings, whether facilitated or not, where both parties agree that such a course of action has the potential to resolve the grievance without moving to the formal stage.

If no resolution is achieved at the informal stage, the employee may choose to initiate Stage 1 of the formal procedure - see 8.2.

It is recommended that the manager/supervisor takes a note of the meeting(s) and provides the employee with a copy, both to record any action points agreed at the informal meeting or for reference in the event that the matter progresses to the formal stage. Details of the episode may also be recorded for audit purposes.

8.2 First Formal Stage

If the employee remains dissatisfied after informal consideration of their grievance, they may choose to progress the matter to the first formal stage. The process for this is to submit a completed ²GRIEVANCE NOTIFICATION FORM – STAGE 1 (see APPENDIX 3) to the manager notified to them as the person who will hear their formal grievance (see 8.1 above) within 10 working days of being advised of the outcome of the informal stage.

The manager concerned will:

- arrange a Hearing to discuss the matter within 15 working days of receiving the completed form
- ensure that the employee is given a minimum of 10 working days notice of the arrangements for the Hearing
- arrange for staff side and management to submit written statements surrounding the grievance and ensure that these are circulated to both parties and management at least 5 working days before the Hearing

²(A Grievance Notification Form can be obtained from HR department, the intranet or a staff side representative).

A written response, which details the manager's decision and the reasons for that decision, should be given to the employee within 5 working days of the Hearing. This response must also include details of the employee's right to appeal against this decision within 10 working days of receiving the letter and the name/job title of the manager, who should be a more senior manager than already involved, who will chair the panel which will hear the Second Formal Stage.

8.3 Second Formal Stage

If the employee remains dissatisfied after consideration of their grievance at the first formal stage, they may progress the matter to the second formal stage. The process for this is to submit a completed ³GRIEVANCE NOTIFICATION PROGRESSION FORM – STAGE 2 (see APPENDIX 4) to the senior manager/executive director notified to them as the person who will hear their appeal (see 8.2 above) within 10 working days of being advised of the outcome of the first formal stage.

A more senior manager than already involved will:

- arrange a Hearing to discuss the matter within 15 working days of receiving the completed form
- ensure that the employee is given a minimum of 10 working days notice of the arrangements for the Hearing
- arrange for staff side and management to submit written statements surrounding the grievance and ensure that these are circulated to both parties and management at least 5 working days before the Hearing

³(A Grievance Notification Progression Form – Stage 2, can be obtained from HR department, the intranet or a staff side representative).

A written response, which details the Panel's decision and the reasons for that decision, must be given to the employee within 5 working days of the Hearing. This response must also include details of the employee's right to invoke the Third and Final Formal Stage - which will be heard by an ad hoc committee of the Board - via a nominated HR manager, within 10 working days of receiving the letter.

8.4 Third and Final Formal Stage

In the event that the employee(s) remains dissatisfied after Stage 2 they may choose to progress the matter to the third and final formal stage. The process for this is to submit a ⁴GRIEVANCE NOTIFICATION PROGRESSION FORM – STAGE 3 (see APPENDIX 5) to the HR manager notified to them as the person who will arrange their appeal to an ad hoc committee of the Board (see 8.3 above) within 10 working days of being advised of the outcome of the second formal stage.

The nominated HR manager will:

- arrange a Hearing with an ad hoc committee of the Board within 15 working days of receipt of the form
- ensure that the employee is given a minimum of 10 working days notice of the arrangements for the Hearing
- arrange for staff side and management to submit written statements surrounding the grievance and ensure that these are circulated to both parties and management at least 5 working days before the Hearing

⁴(A Grievance Notification Progression Form – Stage 3, can be obtained from the HR department, the intranet or a staff side representative).

A written response detailing the ad hoc committee's decision and the reasons for the decision should be given to the employee within 5 working days of the Hearing and must state that this is the final stage of the process – however, see **8.5 External Appeal**.

8.5 External Appeal

While the Third Stage is the final stage of the internal Procedure, the employee has the right to refer matters relating to pay and/or conditions of service to a person or body outwith NHS Grampian e.g. A.C.A.S. for consideration where both parties agree that such a course of action is appropriate.

9 COMPOSITION OF PANELS AT FORMAL HEARINGS

9.1 First Formal Stage

The relevant manager and an appropriate member of the HR Team will hear the First Formal Stage of the grievance procedure.

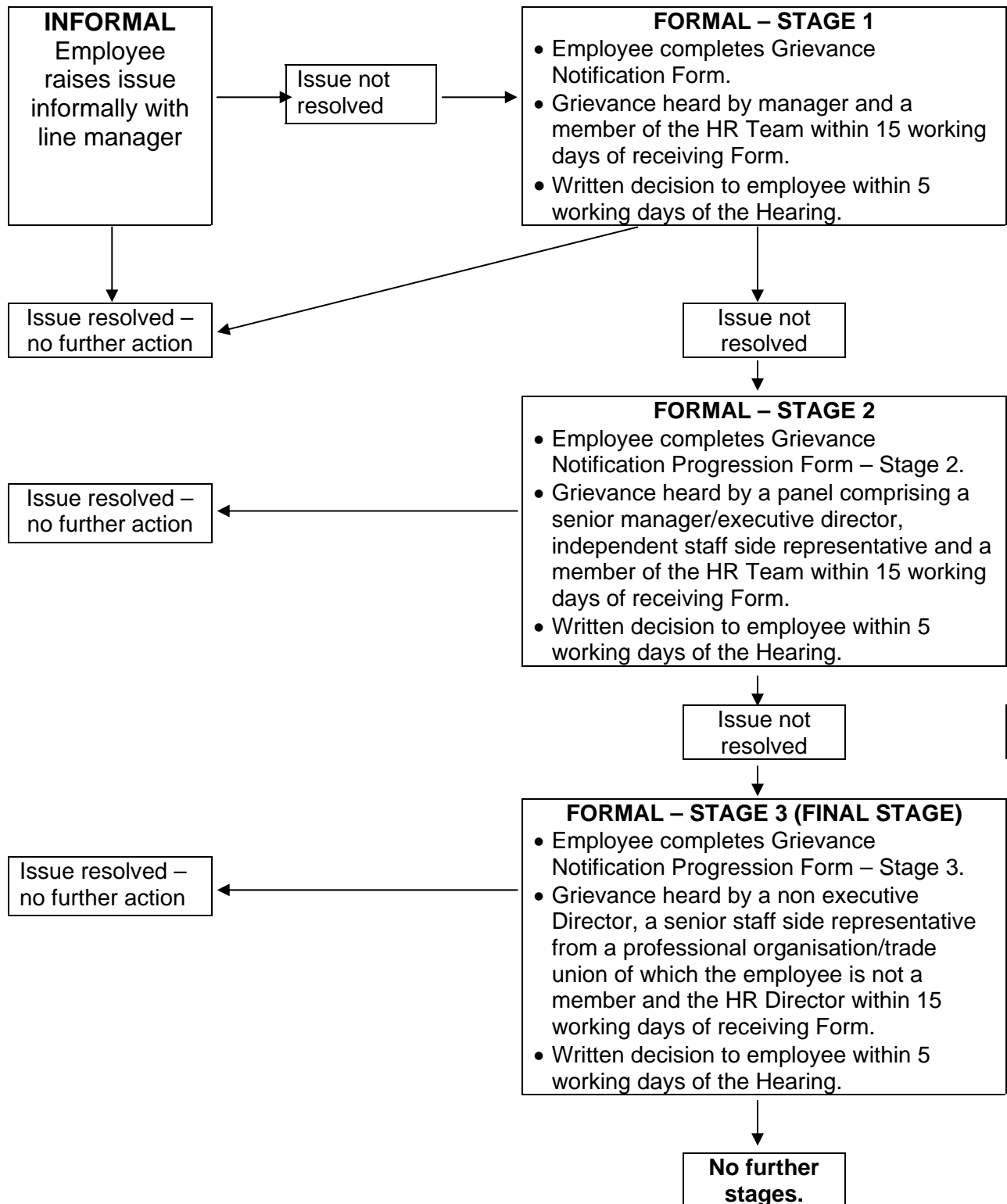
9.2 Second Formal Stage

A Panel comprising a more senior manager than already involved at the First Formal Stage, a Staff Side representative from a professional organisation/trade union of which the employee is not a member and an appropriate member of the HR Team will hear the Second Formal Stage of the grievance procedure.

9.3 Third and Final Formal Stage

A Panel comprising a non-executive director of the Board, a senior staff side representative from a professional organisation/trade union of which the employee is not a member and the Director of Human Resources will hear the Third and Final Formal Stage of the procedure.

GRIEVANCE PROCEDURE FLOW CHART



CONDUCT AT FORMAL HEARINGS

The main purpose of a formal Hearing is to ensure that all present have a full understanding of the issue in order that an impartial decision, based on all known facts, can be made. While the Hearing should adopt as flexible an approach as possible, it must adhere to the following principles:

- 1 Both parties must be given a full opportunity to present their case orally and to call any witnesses, with the employee's case being heard first;
- 2 The employee, or the employee's representative, will be given the opportunity to state their case in the presence of the management representative and to call witnesses to support their case;
- 3 The management representative and panel members will be given the opportunity to ask questions of the employee, or their representative and any witnesses;
- 4 The employee, or the employee's representative, will be given the opportunity to ask their witness further questions once the management representative and panel members have finished questioning the witness;
- 5 The management representative will be given the opportunity to state their case in the presence of the employee and to call witnesses to support their case;
- 6 The employee or their representative and members of the panel will be given the opportunity to ask questions of management representative and any witnesses;
- 7 The management representative will be given the opportunity to ask their witness further questions once the employee, or the employee's representative and panel members have finished questioning the witness;
- 8 Witnesses may be recalled, at the discretion of the manager chairing the Hearing, where this would assist those hearing the grievance to reach a fuller and better understanding of the facts e.g. to clarify points of evidence given by a subsequent witness;
- 9 Witnesses will only be present at the Hearing while they are giving evidence and, under no circumstances, will they be present when another witness is giving evidence;
- 10 Written evidence not previously circulated and presented at the Hearing can only be admitted at the discretion of the person chairing the Hearing and with the agreement of both parties;

- 11 The person chairing the Hearing may ask either party to clarify/ expand upon any previous evidence submitted and explain the relevance of any witnesses called to give evidence;
- 12 Full consideration must be given to any evidence circulated to the parties prior to the Hearing and, where considered necessary in the interests of fairness, the Hearing may be adjourned, at the discretion of the person chairing it, to enable further previously unknown evidence to be produced by either party, where this is considered necessary to ensure a fair outcome. Where considered necessary for any other reason, the Hearing may be adjourned at the discretion of the person chairing it;
- 13 Both parties will be given the opportunity to sum up once all the evidence has been heard. The management representative will sum up first and, once this summing up has begun, neither party may introduce new information/evidence.

**NHS GRAMPIAN
GRIEVANCE NOTIFICATION FORM – STAGE 1**

This form is for use when an employee wishes to raise a Formal Grievance on any matter they consider to be unacceptable or unsatisfactory in respect of their employment with NHS Grampian.

Use of this form, both as notification of a Grievance and as a record of subsequent discussion(s) and decision(s), is restricted to the formal stages of the grievance procedure i.e. it is **not** for use during the informal stages of discussion.

SECTION A: FOR COMPLETION BY THE EMPLOYEE RAISING THE GRIEVANCE.

Name of employee raising the grievance: _____

Job title: _____

Department: _____

Name of employee's representative: _____

Trade union/professional body: _____

Copies of the form will be issued as requested by the appropriate Human Resources Department.

Has the matter been raised informally? YES NO

*If **NO**, why did you not raise it informally? _____

*If **YES**, detail the reason(s) why you were not satisfied with the outcome:

Signed: _____ Date: _____

On completion of Section A, the form should be returned to the manager who you were advised would formally hear your grievance if you were not satisfied with the outcome of the informal stage.

* Continue on a separate sheet if necessary.

SECTION B: FOR COMPLETION BY THE CHAIR OF THE STAGE 1 PANEL.

Name of Manager: _____

Title: _____

Department: _____

Details of the Panel's decision and the reasons for it:

If you are unsatisfied with this decision you may refer the matter, within 10 days of receiving this decision to _____ who will hear your Grievance under Stage 2 of the Grievance Policy. Such a Hearing will be held within 15 working days of receiving a completed Grievance Notification Form – Stage 2, which can be obtained from HR Department, the intranet or a staff side representative.

Signed: _____ Date: _____
(Manager)

On completion of Section B, a copy of both Section A and B should be passed to the employee raising the grievance and the appropriate Human Resources Manager, within 5 working days of the date of the Hearing.

**NHS GRAMPIAN
GRIEVANCE NOTIFICATION FORM – STAGE 2**

This form is for use when an employee wishes to raise a Formal Grievance on any matter they consider to be unacceptable or unsatisfactory in respect of their employment with NHS Grampian.

Use of this form, both as notification of a Grievance and as a record of subsequent discussion(s) and decision(s), is restricted to the formal stages of the grievance procedure i.e. it is **not** for use during the more informal stages of discussion.

Copies of the form will be issued as requested by the appropriate Human Resources Department.

SECTION A: FOR COMPLETION BY THE EMPLOYEE RAISING THE GRIEVANCE.

Name of employee raising the grievance: _____

Job title: _____

Department: _____

Name of employee's representative: _____

Trade union/professional body: _____

*Details of the grievance being raised:

Signed: _____ Date: _____

On completion of Section A, the form should be returned to the manager who you were advised would formally hear your grievance if you were not satisfied with the outcome of the first formal stage.

* Continue on a separate sheet if necessary.

SECTION B: FOR COMPLETION BY THE CHAIR OF THE STAGE 2 PANEL.

Name of Chair: _____

Job title: _____

Department: _____

Details of Panel's decision and the reasons for it:

If you are unsatisfied with this decision you may refer the matter, within 10 days of receiving this decision to _____ who will arrange for an ad hoc committee of the Board to hear your appeal. Such a Hearing will be held within 15 working days of receiving a completed Grievance Notification Form – Third and Final Stage, which can be obtained from HR Department, the intranet or a staff side representative.

Signed: _____ Date: _____
(Manager)

On completion of Section B, a copy of both Section A and B should be passed to the employee raising the grievance and the appropriate Human Resources Manager, within 5 working days of the date of the Hearing.

**NHS GRAMPIAN
GRIEVANCE NOTIFICATION FORM – THIRD AND FINAL STAGE**

This form is for use when an employee wishes to raise a Formal Grievance on any matter they consider to be unacceptable or unsatisfactory in respect of their employment with NHS Grampian.

Use of this form, both as notification of a Grievance and as a record of subsequent discussion(s) and decision(s), is restricted to the formal stages of the grievance procedure i.e. it is **not** for use during the more informal stages of discussion.

Copies of the form will be issued as requested by the appropriate Human Resources Department.

SECTION A: FOR COMPLETION BY THE EMPLOYEE RAISING THE GRIEVANCE.

Name of employee raising the grievance: _____

Job title: _____

Department: _____

Name of employee's representative: _____

Trade union/professional body: _____

*Details of the grievance being raised:

Signed: _____ Date: _____

On completion of Section A, the form should be returned to the manager who you were advised would formally hear your grievance if you were not satisfied with the outcome of the second formal stage.

* Continue on a separate sheet if necessary.

SECTION B: FOR COMPLETION BY THE CHAIR OF THE AD HOC COMMITTEE OF THE BOARD CONVENED TO HEAR STAGE 3 OF THE GRIEVANCE.

Name of Chair: _____

Job title: _____

Details of the Committee's decision and the reasons for it:

This is the final stage of NHS Grampian's internal Grievance Procedure. Please see Section 8.5 of the Grievance Policy for information on External Appeals.

Signed: _____ Date: _____

On completion of Section B, a copy of both Section A and B should be passed to the employee raising the grievance and the appropriate Human Resources Manager, within 5 working days of the date of the Hearing.

THE MODIFIED GRIEVANCE PROCEDURE

The modified grievance procedure will apply in relation to the grievance only if:

- the person raising the grievance no longer works for NHS Grampian
- the person raised the grievance before they left NHS Grampian, but the standard procedure was not completed, or the employee did not raise it until after they left and
- both the person raising the grievance and NHS Grampian agree in writing that it will apply

There are two steps within the modified grievance procedure:

1. **Written statement of grievance** - the person must put their grievance in a written statement and send a copy to NHS Grampian.
2. **Written response** – NHS Grampian must write back to the person giving their response to the points which have been raised within 28 days of receiving the grievance.

This is a “paper” procedure with no Hearing or appeal process involved.