



# Grievance Policy and Procedure

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## DOCUMENT HISTORY

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14.08.2018	Adele Houston	Review of 1 <sup>st</sup> Version of Policy	1
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## CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
SMT	
Care Co-ordination Team	
Learning and Development Department	
Service Users Forum	

## CROSS REFERENCE TO OTHER POLICIES / STRATEGIES

This policy should be read in conjunction with:	Detail
Policy 18	Disciplinary Policy
Policy 24	Duty of Candour Policy

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## Appendices

Appendix 1 – form for an employee to raise a formal grievance

Appendix 2 – Grievance Report Template

Appendix 3 – Grievance flow chart (needs to be established)

Appendix 4 – form for employee to appeal against grievance outcome

On receipt of a Grievance, managers should contact their HR Business Partner who will be able to support and provide the relevant letter templates

## **1. INTRODUCTION**

Primecare Health LTD believes that all employees should be treated fairly and with respect. Any employee who is unhappy about treatment that they have received or about any aspect of their work, should discuss this with their line manager, who will attempt to resolve the situation on an informal basis. If they feel they are unable to approach their line manager directly, then they should approach the next level of management or the relevant HR Business Partner who will discuss ways of dealing with the matter.

## **2. KEY PRINCIPLES**

The purpose of this policy is to set out the organisation's approach, in line with current employment legislation, to effectively deal with employee grievances.

Primecare Health LTD is keen to provide a positive and supportive working environment for all of its employees and as such will take every step to resolve issues in the workplace quickly and effectively. The grievance policy is not a substitute for good day-to-day communication where employees are encouraged to discuss and resolve daily working issues.

Primecare Health LTD recognises that formal grievances can have a serious detrimental effect on employees and relationships at work whether they are upheld or not and will provide appropriate support to any employee involved in a grievance process to minimise any impact. Where working relationships are a factor in any grievance, support will be given to employees, and they may be asked to take part in mediation to resolve a difficulty.

## **3. SCOPE**

This policy applies to all employees of Primecare Health LTD, regardless of their length of service or type of employment contract. The purpose of the grievance policy is to resolve issues in the workplace in the most effective manner and at the lowest level possible. It provides a framework within which to deal with complaints, and allows for complaints to be resolved informally where possible, or through a formal grievance procedure where necessary.

Where employees have a complaint about the outcome or management of other formal internal processes, e.g. disciplinary or capability procedures, promotion processes, or requests for flexible working, they should always pursue such complaints through the appeals procedure set out in the relevant policy.

Exceptionally, this grievance policy may be used where employees believe that Primecare Health LTD's policies and procedures have not been complied with and there is no appropriate appeal mechanism through which they can make their complaint.

## **4. WHAT IS A GRIEVANCE?**

Grievances are concerns, problems or complaints that employees raise with their employers. Anyone working in an organisation may at some point have problems or concerns about their work, working conditions or relationships with colleagues that they

wish to discuss with management. It is in management's interests to resolve problems before they can develop into major difficulties for all concerned. Issues that may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment / conditions
- Organisational change
- Discrimination
- Allocation of work
- Opportunities for career development

Employees may raise issues about matters not entirely within the control of the organisation such as client or customer relationships e.g. where an employee is working on another employer's site. These should be treated in the same way as grievances with the manager investigating as far as possible and acting if required.

Primecare Health LTD will make it very clear to any third party that grievances are taken seriously, and action will be taken to protect employees.

## **5. MEDIATION**

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. If this is a recommendation, all parties must accept mediation and actively participate in this process. This involves the appointment of a third-party mediator, who will discuss the issues raised in the grievance with all of those involved and seek to facilitate a resolution. The mediator may be through an internal resource such as a manager from another area or a representative from Human Resources or may be an external mediator sourced by the organisation.

## **6. THE RIGHT TO BE ACCOMPANIED**

The employee has the right to be accompanied by a fellow worker or trade union official at any grievance meeting or subsequent appeal. The trade union official need not be an employee of the organisation, but if he/ she is not a fellow worker or an employee of his/ her union, the organisation may insist on him/ her being certified by the union as being experienced or trained in accompanying employees at grievance meetings.

The choice of companion is a matter for the employee, but the organisation reserves the right to refuse to accept a companion whose presence would undermine the grievance process. It is not reasonable for an employee to ask to be accompanied by a colleague from a geographically remote location when someone suitably qualified is available on site. Please note that individual employees are not obliged to agree to accompany the employee who has raised the grievance. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance or appeal meeting.

At any meeting or appeal, the chosen companion will be allowed to address the meeting when invited to, respond on the employee's behalf to any view expressed, and sum up the case on the employee's behalf. However, both the grievance meeting and appeal meeting are essentially meetings between the employer and the employee (who has raised the grievance), so any questions put directly to the employee should be dealt with by the employee and not the companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the employee can propose an alternative date within five working days of the scheduled date.

## **7. ACCESSIBILITY**

If any aspect of the grievance procedure causes difficulty on account of any disability, or if assistance is needed because English is not the first language, the individual should raise the issue with the relevant HR Business Partner, who will make appropriate arrangements.

## **8. CONDUCTING THE GRIEVANCE**

Primecare Health LTD recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. Primecare Health LTD will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

## **9. RESOLVING GRIEVANCES INFORMALLY**

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager. This allows problems to be settled quickly. This can be done by requesting a meeting with the line manager, a more senior manager or HR. Both parties will seek to reach an agreement and will meet regularly to monitor progress. If a satisfactory conclusion is not reached through the informal process, the employee may pursue a formal grievance.

## **10. RAISING A FORMAL GRIEVANCE**

Where attempts to resolve the matter informally do not work, it may be appropriate for the employee to raise a formal grievance under this procedure. This must be done in writing, using appendix 1, setting out the nature of the grievance, without unreasonable delay and sent to the employee's line manager (if not the subject of the grievance). If the complaint relates to the way in which the line manager is treating the individual, the complaint may be sent to the next level of management e.g. Operations Manager/ Business Manager/ Director of Adult Services/ Director.

The employee must stick to the facts and avoid using language which may be considered insulting or abusive. This written statement will form the basis of the subsequent meeting

and any fact-finding meeting(s), so it is important that the employee sets out clearly the nature of the grievance, who the grievance is against and indicate the outcome that they are seeking. If the grievance is unclear, the employee may be asked to clarify the complaint before any meeting takes place.

The manager who receives the grievance will commence the fact-finding process, however where they are involved or there is a conflict of interest, they will arrange for another manager to deal with the grievance. The manager will confirm in writing to the employee how they intend to manage the process. If the grievance is against another employee, they will write to the individual informing them that a grievance has been submitted enclosing a copy of the written grievance and outlining the stages involved in the process

The manager must recognise the potential distress that a formal grievance can cause and must act sensitively when informing the individual about the case made against them. A conversation with the individual is advised before they see the formal grievance.

The evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be given.

Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, the formal grievance process will continue and a formal outcome given,

A formal grievance should be concerned with the way in which the employee has been treated by the organisation or managers acting on its behalf. If the complaint relates to bullying or harassment on the part of a colleague, please refer to the Harassment policy in conjunction with this policy. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure and where possible the employee who raised the complaint will be informed of the outcome.

Where an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues at the same time.

Complaints about any disciplinary action taken against an employee should be dealt with as an appeal under the disciplinary procedure.

## **11. THE GRIEVANCE MEETING**

The meeting will be held as soon as is reasonably practicable and subject to any need to carry out prior fact-finding meeting(s) with the relevant individuals(s). Primecare Health LTD will endeavour to deal with all grievance meetings promptly after the receipt of the written complaint. Where appropriate and where available, it will be conducted by the relevant line manager and attended by an HR Business Partner. At the meeting, the employee will be asked to explain the nature of the complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further fact-finding meeting(s) to take place.

The employee should ensure that they attend the meeting at the specified time. If the individual is unable to attend because of circumstances beyond their control, they should inform their line manager as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence.

While the employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to the complaint. Focusing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of the complaint. The manager conducting the grievance meeting will intervene if he/ she thinks that the discussion is straying too far from the key issue(s). The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

Following the meeting, the employee will be informed in writing of the outcome as soon as possible and told of any action that the organisation proposes to take as a result of the complaint. If there is any delay in issuing the grievance report, the employee should be made aware of this and advised of the likely timescales. The employee will receive a grievance report, detailing all findings, conclusions and recommendations of the grievance. This outcome may be discussed informally with either the line manager or HR Business Partner.

Where there has been a grievance submitted against another employee, they will be informed of the outcome. Recommendations will be made by the investigating officer to minimise damage to working relationships and to ensure employees are able to work together effectively. Support must be offered to all involved whether a grievance has been upheld or not.

If the employee is dissatisfied with the outcome, they may submit a formal appeal.

## **12. APPEAL**

The appeal should be made in writing and sent to the Director.

This should clearly state the grounds of the appeal, i.e. the basis on which the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done through new evidence, which has not already been considered within the grievance and should be done within ten working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within ten working days of the receipt of the formal appeal.

The employee should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform their line manager of this as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The appeal meeting will be conducted by a more Senior Manager or Director, who will consider the grounds that the employee has put forward and assess whether or not the conclusion reached in the original grievance meeting was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with



which the employee is dissatisfied in relation to the original grievance. The manager conducting the appeal will therefore confine discussion to those specific areas.

Following the appeal meeting, the employee will be informed of the outcome within five working days. The outcome of this meeting will be final.

### **13. VEXATIOUS / MALICIOUS GRIEVANCES**

The purpose of the grievance procedure is to ensure that the appropriate channels are available where employees can raise genuine concerns.

If following the fact-finding process, a grievance is found to be vexatious or malicious or where there is a continued pattern of unfounded complaints by the same employee, this will become subject of a separate investigation under the disciplinary policy.

### **14. KEEPING WRITTEN RECORDS**

A written record of all grievance cases should be retained by Human Resources and will include:

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

Records must be treated as confidential in accordance with the GDPR data protection Act 2018. Copies of meeting records should be given to the employee.

### **15. MANAGEMENT RESPONSIBILITIES**

When preparing for the grievance meeting managers should:

- Arrange a meeting promptly, in private where there will not be interruptions
- Arrange for someone who is not involved in the case to take notes of the meeting and act as a witness to what was said
- If similar grievances have been raised before, understand how they have been resolved, and any follow up action that has been necessary. This allows consistency of treatment
- Consider whether any reasonable adjustments are necessary e.g. for a person who is disabled/ where the employee has difficulty speaking English
- Consider whether to offer independent mediation

When conducting the meeting, managers should:

- Remember that a grievance meeting is not the same as a disciplinary hearing and is a discussion that may lead to an amicable solution

- Make introductions as necessary
- Invite the employee to re-state their grievance and how they would like to see it resolved
- Put care and thought into resolving grievances. Quick decisions must not be made and consider that the employee may have been holding the grievance for a long period of time
- Adjourn the meeting if it is necessary to investigate any new facts which arise
- Sum up the main points
- Tell the employee when they might reasonably expect a response
- At no point can any party record a meeting using video or audio recording equipment without the prior written agreement of all present

After the meeting managers should:

- Set out clearly any action that is to be taken and the employee's right of appeal
- Ensure that where an employee's grievance is not upheld the reasons are carefully explained
- Consider that actions taken to resolve a grievance may have an impact on other individuals who may also feel aggrieved
- If the grievance highlights any issues concerning policies, procedures or conduct (even if not sufficiently serious to merit separate disciplinary procedures) they should be addressed as soon as possible
- Ensure any action taken is monitored and reviewed as appropriate so that it deals effectively with the issues
- Ensure the process is fully completed and resolved within a 28-day period (unless individual circumstances dictate otherwise).

## **16. MONITORING AND REPORTING**

Primecare Health LTD recognises the need to monitor the effectiveness of this and associated policies and procedures for statistical and consistency purposes.

## **17. POLICY REVIEW STATEMENT**

This policy will be reviewed every three years or earlier if appropriate in line with any future updates to this aspect of the law.