



**Golden Jubilee
Foundation**

Name	Dealing with Employee Grievance Policy
Summary	This policy is designed to support employees and managers to resolve issues that arise from time to time in the workplace.
PIN Policy	Dealing with Employee Grievance
Target audience	All staff
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Document Editor	Nationally agreed document edited by SGPSG

Golden Jubilee Foundation Values Statement

What we do or deliver in our roles within the Golden Jubilee Foundation (GJF) is important, but the way we behave is equally important to our patients, customers, visitors and colleagues. We know this from feedback we get from patients and customers, for example in “thank you” letters and the complaints we receive.

Recognising this, the GJF have worked with a range of staff, patient representatives and managers to discuss and promote our shared values which help us all to deliver the highest quality care and service across the organisation. These values are closely linked to our responsibilities around Equality.



Our values state that we will:

- Take responsibility for doing our own job well
- Treat everyone we meet in the course of our work with dignity and respect
- Demonstrate through our actions our commitment to quality
- Communicate effectively, working with others as part of a team
- Display a “can do” attitude at every opportunity.

Our policies are intended to support the delivery of these values which support employee experience.

Dealing with Employee Grievance Policy

1 Introduction

The Golden Jubilee Foundation (GJF) encourages open and honest communication at all levels. However, it recognises that from time to time employees may wish to raise grievances, problems or complaints with their employer.

Employees and managers are encouraged to make every effort to resolve issues at the most local level possible and where appropriate before resorting to the formal procedure. Matters should be dealt with as they occur and be settled as near to the point of origin as possible and as quickly as it is reasonably practicable. However, it is recognised that a formal procedure is necessary to resolve some grievances quickly, to allow employees to pursue grievances relating to their working conditions without fear of recrimination, and to prevent conflict and maintain employee relations.

Victimisation as a result of an employee raising a grievance or assisting in the investigation of such a grievance will not be tolerated, and will be dealt with under the local policy developed in line with the Preventing and Dealing with Bullying and Harassment Policy and, where necessary, the Management of Employee Conduct Policy.

2 Aim

To offer a constructive mechanism for all parties to air their differences and seek to find mutual agreement.

3 General principles Individual

- All grievances, problems, complaints and disputes, including collective disputes, concerning matters arising out of employment with the GJF will be dealt with in accordance with the undernoted procedure;
- It is the policy of the GJF that an employee(s) will receive a fair hearing concerning any grievance. The spirit and intention of this policy is to promote the best possible relations between all parties;
- Throughout the formal and informal stages of the procedure, the employee(s) has the right to be accompanied by a trade union/professional organisation representative or a work colleague;
- Where a particular manager is not available, the matter may be taken forward by a nominated deputy to ensure that the under-noted procedure is followed within reasonable timescales;
- It is recognised that informal approaches can be an aid to resolving grievances. Therefore, the provisions outlined in this procedure can include

informal discussions between management, the employee(s) and their trade union/professional organisation representatives;

- In order to support early resolution of a grievance, mediation by an independent third party can be sought at any stage of the procedure by the agreement of both parties;
- It is recognised that all stages of the procedure may not be applicable to an individual and/or a group of employees, depending on the particular circumstances (for example, where the chain of command is short);
- Wherever possible, no person who has previously been involved in any way formally or informally should sit on the grievance appeal panel; and
- Employees who have difficulty expressing themselves on paper, or, for example, whose first language is not English, are encouraged to seek help from a work colleague, trade union/professional organisation representative or a representative from the Human Resources (HR) department in setting out their grievance.

4 Types of grievance

Individual

This occurs when one employee raises a grievance, problem or complaint with their employer.

Collective

Occurs when a group of employees share a grievance.

5 Procedure

5.1 Informal Stage

When an employee(s) feels aggrieved about an issue it should be raised in the first instance with their immediate line manager. The line manager will meet with the employee as soon as possible, and within a reasonable timescale from the date when the grievance was notified. This timescale should take account of the nature and seriousness of the case.

Where the grievance lies with the line manager, then the employee has the right to raise the matter informally with the next level of management.

If no resolution is achieved from the informal meeting, the employee may choose to initiate the formal procedure. The choice to progress to the formal stage of the process must be notified to the next level of management within a reasonable timescale from the date of the informal meeting.

Although formal documentation of these discussions is not mandatory, the actions and outcome of this stage of the process should be noted so that details of the episode can be recorded for audit purposes.

5.1.1 Facilitated meetings/mediation

Managers and employees should always seek to resolve grievance issues in the workplace. Where this is not possible informally, both parties should consider the use of an independent third party to help resolve the issue.

The third party need not come from inside the organisation, though, but could be an facilitator/mediator, highly skilled manager or HR professional not involved in the grievance process. However, the need for use of external mediators in the most complex of cases may be agreed between the parties.

Should the parties concerned wish to make use of third party intervention, this should be notified to the Human Resources (HR) department who will be responsible for making appropriate arrangements.

5.2 First formal stage

In the event that the employee(s) remains dissatisfied after informal consideration of the grievance, the matter will be referred to the First Formal Stage. The employee will normally lay out the detail(s) of their grievance in writing using the Grievance Notification Form attached at Appendix A. It should be sent to the individual's line manager who will be responsible for hearing the grievance. On receiving the notification, the relevant manager will arrange a formal grievance hearing within a reasonable timescale from the date of receipt of the notification of the grievance.

In the event that an Executive Director or other Board member raises a formal grievance, it will normally be heard by two non-executive members of the Board.

Guidance on Conduct at Formal Hearings is given at Appendix C.

A written reply detailing the manager's decision, the reasons for the decision and the action, if any, the employer intends to take, will be given to the employee(s) within 10 working days of the hearing. The letter must inform the employee of their right of appeal and include details of who will hear the next stage of the process.

The decision to progress to the next stage of the process must be notified by the employee within a reasonable timescale from the date when the outcome of the first formal stage was received.

5.3 Second and final formal stage

In the event that the employee(s) remains dissatisfied after the first formal stage, the matter should be referred to the second and final formal stage. A hearing will be

arranged as soon as possible and within a reasonable timescale of the notification of the appeal to the next appropriate level of management. This will be arranged by the Head of HR.

The HR department or designated manager will arrange for all sides to present written statements setting out their views on the grievance. These must be circulated to all parties at least five working days before the hearing.

Guidance on Conduct at Formal Hearings is given at Appendix C.

A written reply detailing the manager's decision, the reasons for the decision and the action, if any, the employer intends to take, will be given to the employee(s) within 10 working days of the hearing.

Except where the provisions of clause 5.3.1 apply this represents the end of the internal process.

5.3.1 Grievances with wider organisational consequences

Where the grievance relates to an issue where the outcome might affect more than one individual (examples include: the application of terms and conditions of service, the implementation of a Foundation-wide policy or matters which could become litigious, or the focus of an industrial dispute) and if the issue cannot be resolved at stage two, then it may be referred to the Director of Human Resources and Employee Director. They will be responsible for determining whether the grievance raised has wider organisational consequences beyond the aggrieved party.

If agreed as having wider organisational consequences, the Director of Human Resources will organise a formal hearing, which will be heard by one non-executive and one executive member, and other panel membership as appropriate as determined locally, supported by a senior member of the HR department not previously involved.

This exhausts the internal process for cases which fall into this category.

6 Grievances not concluded at the time of employment terminating

If a grievance has been raised but not concluded by the time the employment terminates, where there are outstanding grounds of appeal, then whatever stage the grievance is at will be concluded with a paper review of the position and a written response.

7 Post-employment grievances

Should a previous employee raise a grievance within a reasonable timescale of the employment ending, the matter will be investigated and a response will be given in writing.

8 Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a 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 concurrently.

9 Status Quo

Status quo is defined as the working arrangements in place prior to the change over which the grievance has been raised.

Wherever possible, the status quo should operate until this procedure has been exhausted. However, the status quo may be set aside where:

- Continuation of status quo will result in a breach of statutory or other mandatory regulations;
- Agreement is reached by both parties to do so; or
- The grievance is about action already agreed or taken through collective agreement.

10 Involvement of Human Resources Department

Advice on the application of this procedure should be sought from the HR department. A member of the HR department should be present at the hearing of all formal grievances.

11 Monitoring and review

The effectiveness of this policy and procedure will be monitored by the Senior Management Team and Partnership Forum.

Appendix A: Grievance Notification Form

Strictly confidential

This form gives guidance to an employee(s) in setting out a grievance and may be used with or in place of a letter.

Employees who have difficulty expressing themselves on paper, or, for example, whose first language is not English, are encouraged to seek help from a work colleague, trade union/ professional organisation representative or a representative from the HR department in setting out their grievance.

Use of this form, or a letter, will be used as notification of the Grievance and as a record of subsequent discussion(s) and decision(s) during the stages of the Grievance Procedure.

Name of Employee(s) raising the grievance:

Post(s):

Department(s):

Name of employee(s) representative:

Details of grievance being raised:

Signed:

Name(s) (in block capitals):

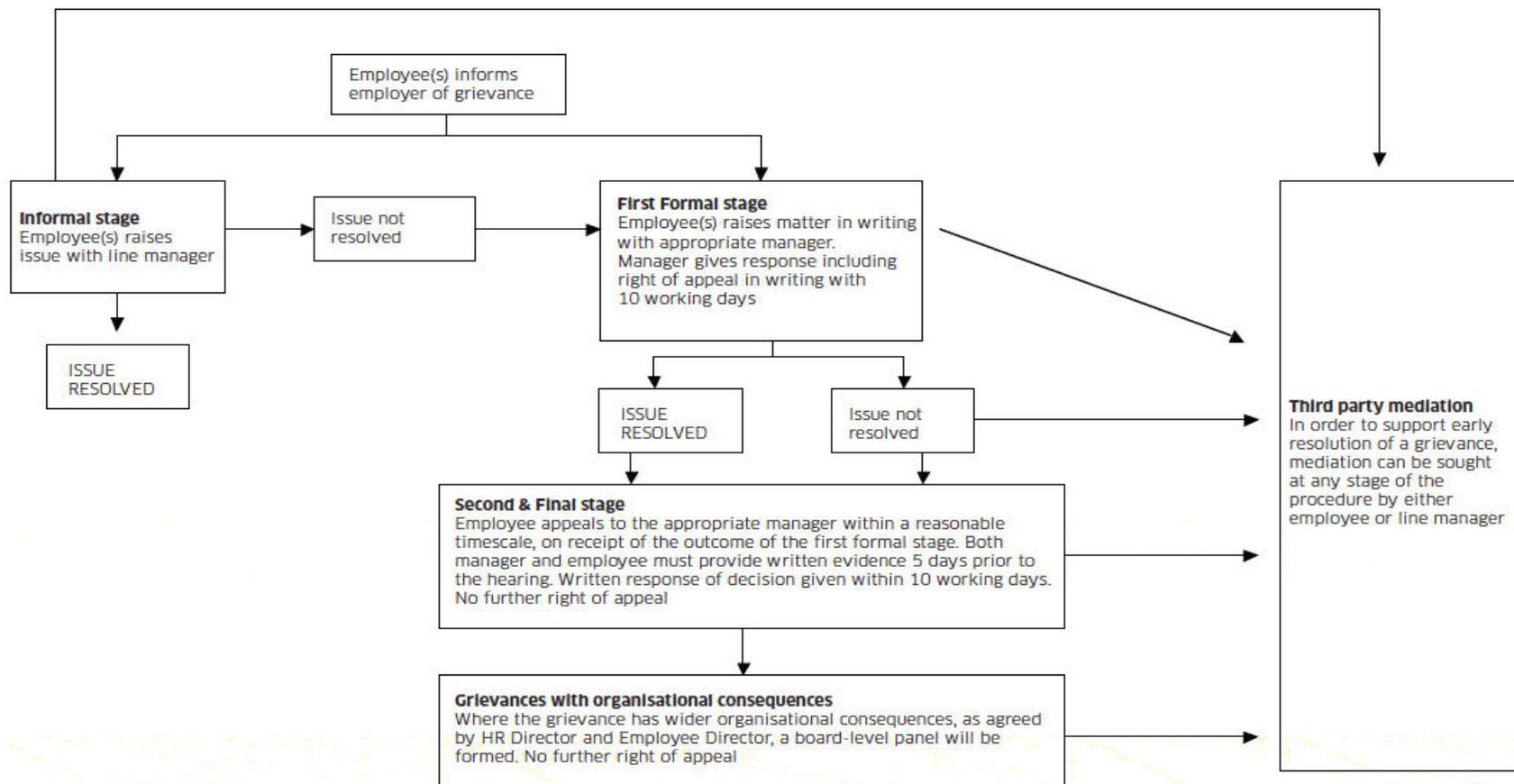
Contact telephone number:

Date:

On completion, this form should be sent to the relevant member of management who will be responsible for hearing the grievance.

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Appendix B – Grievance Process Flowchart



Appendix C: Guidance on Conduct at Formal Hearings

The main purpose of a formal hearing is to ensure that all present have a full understanding of the issue so that an impartial decision can be based on facts.

The hearing should adopt as flexible an approach as possible, while adhering to the following principles:

- Both parties must be given the opportunity to present cases orally and call any witnesses. It is the responsibility of individual parties to ensure they make arrangements for the attendance of witnesses;
- The employee or their representative shall state their case in the presence of the management representative and may call witnesses who shall remain present only when they are giving evidence;
- The management representative shall have the opportunity to ask questions of the employee/representative and witnesses;
- The manager hearing the grievance or members of the appeal panel shall have the opportunity to ask questions of the employee/representative and witnesses;
- The management representative shall state their case in the presence of the employee/representative and may call witnesses who shall remain present only when they are giving evidence;
- The employee/representative shall have the opportunity to ask questions of the management representative and witnesses;
- The manager hearing the grievance or members of the appeal panel shall have the opportunity to ask questions of the management representative and witnesses;
- Written evidence not previously circulated and presented before the hearing may only be admitted at the discretion of the manager hearing the grievance or members of the appeal panel;
- The management representative and the employee or their representative shall have the opportunity to sum up their case if they so wish. The employee or their representative shall have the right to speak last, having opportunity to sum up their case if they so wish. In their summing up neither party may introduce any new matter;
- The manager hearing the grievance or members of the appeal panel may, at their discretion, adjourn the appeal in order that further

evidence may be produced by either party to the dispute or for any other reason; and

- The manager hearing the grievance or members of the appeal panel shall deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt to ensure that everyone present has a full understanding of the issue.

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