

GRIEVANCE POLICY & PROCEDURES **MARCH 2019**

This policy supersedes all previous policies for Grievance

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	May 2009	1	New Policy
	September 2012	2	Complete rewrite of Version 1
	March 2014	3	Policy Reviewed
	April 2016	4	Policy Reviewed - added reference to HR Investigation policy and procedures
	March 2019	5	added timeframes of grievances, involvement from ER Team at early stages
Membership of the policy development/ review team	HR Staff Members of Joint Policy Sub Group		
Consultation	Members of Workforce Committee Members of Joint Policy Sub Group		

DO NOT AMEND THIS DOCUMENT

Further copies of this document can be found on the Foundation Trust intranet.

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1. INTRODUCTION

- 1.1 Grievances are concerns, problems or complaints relating to your employment that you wish to raise with management. Camden & Islington NHS Foundation Trust (the "Trust") recognises that from time to time you may have a grievance that you want to be addressed and if possible, resolved. The Trust will try to resolve, as quickly as possible, any grievance you have connected to your employment.
- 1.2 The Trust believes that it is a mutual benefit to the Trust and its employees to work in partnership with Staff side. This policy has been developed and agreed by management and Staff side, in order to ensure staff are treated consistently and fairly.
- 1.3 This policy does not form part of any employee's contract of employment and the Trust may amend it at any time.

2. PURPOSE

- 2.1 This policy provides a framework within which an employee may bring a grievance arising from their employment and is aimed at resolving that grievance. It is designed to ensure that grievances are treated objectively, sensitively, consistently and fairly, and that an effective conclusion is reached in a timely manner.

3. SCOPE AND PRINCIPLES

- 3.1 This policy applies to all employees of the Trust, including medical staff, regardless of role, location or contractual status. Further details are set out below in respect of collective grievances (see paragraph 6). The Trust will only consider grievances about issues no older than three months except in exceptional circumstances.
- 3.2 All parties are required to adopt a reasonable and responsible attitude, respecting the other's dignity, in the operation of this procedure and make every effort possible to resolve differences at the informal stage. The use of the formal stage should be a last resort.
- 3.3 The Trust encourages informal resolution of grievances, however if an employee wishes to raise a grievance formally, they will need to do it in writing using the form in appendix C.
- 3.4 Issues that could cause grievances may include:
 - Changes in terms and conditions of employment
 - Perceived/actual breaches of health and safety
 - Poor work relations
 - Introduction of new working practices
 - The working environment
 - Organisational change
 - Perceived unfairness/ breach of equal opportunities
- 3.5 This Grievance Procedure should not be used to complain about dismissal or disciplinary action (whether related to discipline, absence, capability and/or any sanction imposed) and/or any job evaluation, grading or nationally set terms and conditions applicable to employment (unless it is a local interpretation of the national

T&Cs). If an employee is dissatisfied with any disciplinary action, they should submit an appeal under the appropriate procedure, which is available from the Intranet.

3.6 The Trust:

3.6.1 has a separate Anti-Harassment, Bullying and Discrimination policy that should be referred to if an employee believes they have been a victim of bullying, harassment or discrimination or wish to report an incident of bullying, harassment or discrimination involving other people. It is available from the Intranet or the Employee Relations (ER) Team; and

3.6.2 operates a separate Raising Concerns at Work Policy to enable employees to report suspected illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing they may raise the matter under the Grievance Procedure.

3.7 If, after following the procedures referred to above, the complaint has not been resolved, the formal stages of this Grievance Procedure should be used.

3.8 The Disciplinary Policy deals with how employee grievances raised during a disciplinary process will be dealt with by the Trust. Please refer to section 13 of the Trust Disciplinary Policy.

3.9 Where a grievance is brought by an employee, this will not normally stop any changes from being made; however if the grievance is about a fundamental change to pay and/or the terms and conditions of the contract of employment (except where an administrative error has occurred in the application of the employee's terms and conditions and this mistake must be rectified), the status quo may apply, pending resolution.

3.10 All stages of the Grievance Procedure will be dealt with within a reasonable timescale, unless there are special circumstances justifying a longer timescale.

3.11 Written grievances will be placed on an employee's personnel file (the employee who raised the grievance) along with a record of any decisions taken and any notes or other documents compiled during the grievance process.

4. ROLES AND RESPONSIBILITIES

Individual Employees

4.1 Employees are responsible for conducting themselves in a professional manner at all times.

4.2 If an employee raises a grievance, they are expected to contribute to the resolution in a proactive way.

4.3 If an investigation is required either in relation to a grievance raised by an employee or a colleague, all parties will be required to participate as fully as required in a timely and constructive manner.

4.4 It is advisable for an employee to speak to their trade union representative prior to submitting a grievance so that they can receive advice and be supported from the

outset. Contact details for the three main unions recognised by the Trust are as follows:

- Unison: 020 02076854009
- RCN: 0345 772 6100
- Unite: 020 3371 2046

- 4.5 The employee will have the right to accompanied in accordance with this Grievance Procedure at the grievance meeting and any appeal meeting (see paragraphs 5.13 to 5.16 below). If an employee is accompanied by either an accredited Trade Union representative or a workplace colleague (the "**Companion**") in the formal stages of this Grievance Procedure, it is their responsibility to arrange for them to be present. Where possible, the Employee Relations Team and/or the manager will agree the date and time of the meeting in advance with the representative.
- 4.6 If you are invited to attend meetings under the Grievance Procedure as a witness you are expected to participate but you do not have the right to be accompanied This may, however, be requested in extenuating circumstances at any stage of the procedure with permission of the investigating manager or panel chair.

Managers

- 4.7 Managers are responsible for ensuring that any grievance raised with them is taken seriously and is dealt with in a fair, timely, supportive and constructive manner.
- 4.8 Should a manager appoint an investigating officer, they must ensure that they are given the appropriate time to undertake and complete a thorough investigation in a prompt and timely manner.
- 4.9 Managers have a responsibility for ensuring that any concerns raised are resolved as quickly as possible, and particularly where there has been an investigation.
- 4.10 Managers are jointly responsible for seeking resolution in a timely and constructive way and for ensuring the actions on any agreed action plan are carried out.
- 4.11 Managers are required to grant reasonable time off to accredited trade union representatives to represent their members under the Grievance Procedure in accordance with the Time Off for Trade Union Duties Policy

Accredited Trade Union Representatives and Workplace Companions

- 4.12 The role of the accredited trade union representative or workplace companion is to:
- advise and support, as well as to offer independent scrutiny of the Trust's Grievance Procedure for the employee raising a concern.
 - accompany and represent employees at any formal meetings under this Grievance Procedure. In exceptional circumstances and by prior agreement with the manager, they may accompany employees at informal meetings and/or witnesses as set out in this Grievance Procedure.
 - share responsibility with the other parties to assist with resolutions in a timely and constructive way and make every effort possible to help resolve differences at the informal stage.

The Investigating Officer

- 4.13 The purpose of the investigation is to establish the facts and gather evidence as fully and as quickly as possible. The investigating officer is responsible for establishing contact with the employee raising the grievance for keeping them updated on the progress of the investigation.
- 4.14 The investigating officer is responsible for confirming the outcome of the investigation in writing.
- 4.15 Depending upon the findings of the investigation, the investigating officer may be required to attend any formal meetings under this Grievance Procedure.

Employee Relations Team

- 4.16 The Employee Relations Team will be responsible for advising all parties on this Grievance Procedure and providing specific management and staff guidance.

5. THE PROCEDURE

Step 1 –Informal grievance

- 5.1 Most grievances can be resolved quickly and informally through discussion with your line manager at the earliest opportunity.
- 5.2 If an employee feels unable to speak to their manager, for example, because the complaint concerns him or her, then they should raise the issue they are aggrieved about informally to a more senior manager within 21 calendar days of the matter, or knowledge of an issue which may have come to light.
- 5.3 The line manager (or next-in-line manager where appropriate) should arrange to meet with the individual as soon as possible after the concern is raised with them, to ascertain the nature of their grievance and discuss how best it can be addressed. The details of the grievance will also be shared with the ER Team in order for them to establish the grounds of complaint and support both parties in resolving matters informally.
- 5.4 It may be necessary for the manager to meet with other relevant people to ascertain relevant facts. The employee will be informed at the conclusion and their line manager will discuss the findings and explore options available, with a view to resolving the issue. After this stage is completed the outcome and any recommendations will be shared with the employee and confirmed in writing and shared with the ER Team for monitoring purposes.
- 5.5 In some cases, it may be appropriate to involve an internal mediator from management or staffside. Mediation is an entirely voluntary process for both sides and does not preclude the use of other stages of this policy if it is not successful.

Step 2 – Formal Grievance and Process

Formal Grievances

- 5.6 If the matter cannot be satisfactorily resolved under step 1 above, the employee should put this in writing using the grievance form available on the Intranet or from the ER Team and send a copy to their line manager. It should be submitted within 21 calendar days of the informal stage having been completed, if applicable. If the grievance concerns their line manager, the letter should be submitted to the next level manager instead. The grievance will be acknowledged within 7 working days by the relevant manager.
- 5.8 The written grievance form should contain clear grounds of grievance, specific examples including any relevant facts, dates, and names of individuals involved. Employees should identify desired outcomes. In some situations, the individual may be asked to provide further information. Employees will also be required to outline the steps taken to resolve the grievance informally prior to raising a formal grievance. Employees may seek assistance from their accredited trade union representative.

Investigations

- 5.9 In consultation with the Employee Relations Team, it may be necessary to carry out an investigation into the matters raised in the grievance. The extent of investigation undertaken will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses and/or reviewing relevant documents.
- 5.10 The employee must co-operate fully and promptly with any investigation. This may include informing the investigating manager of the information set out at paragraph 5.8 above and/or attending interviews, as part of the investigation.
- 5.11 If the manager receiving the grievance commissions an investigation, the Trust's HR Investigations Procedure should be followed. The manager receiving the grievance will undertake the role of the Commissioning Manager and will review the investigatory report upon completion of the investigation. The Commissioning Manager is responsible for keeping the individual informed of the details and progress of the investigation. Any person subject to a complaint should also be made fully aware of the complaint and be given the opportunity to respond to the allegations.
- 5.12 In circumstances where the grievance is straightforward, it may be possible to refer to a grievance hearing without the need for an investigation. In other cases, after the investigation is complete, the commissioning manager will hold a grievance outcome meeting.

Right to be Accompanied

- 5.13 The employee may bring a workplace colleague or accredited Trade Union Representative to any grievance meeting or appeal meeting under this procedure (see paragraph 4.5 above). The employee must tell the person holding the grievance meeting who their chosen colleague/representative is, in good time before the meeting.
- 5.14 At the meeting, the colleague/representative may make representations to the chair and ask questions but should not answer questions on the employee's behalf.

- 5.15 If the chosen colleague/representative is unavailable at the time a meeting is scheduled and will not be available for more than 5 working days afterwards, the Trust may ask the employee to choose someone else.

Grievance Meetings

- 5.16 In order for the matter to be investigated thoroughly, the employee and their colleague/representative (if any) should make every effort to attend grievance meetings. If the employee or their colleague/representative cannot attend at the time specified, the employee should inform the person holding the grievance meeting and a member of the Employee Relations Team immediately. The Trust will try, within reason, to agree an alternative time.
- 5.17 A representative from the Human Resources Department will be present at the meeting. Where witness evidence is to be considered, witnesses may be called in order to give evidence. The arrangements for this meeting will be confirmed in writing.
- 5.18 The Trust will aim to provide the outcome of the grievance investigation at the meeting. When it is not possible, the chair will write to the employee, usually within 10 working days of the final grievance meeting, with the outcome of the grievance and any further action that the Trust intends to take to resolve the grievance. Details of an appeal process and who to appeal to will also be provided.

Step 3 – Appeal

- 5.19 If the grievance has not been resolved to the employee's satisfaction, they may appeal to the designated officer as per 5.18, stating full grounds of appeal in writing within 10 working days of the date of the outcome letter.
- 5.20 An appeal meeting will normally be held within 4 weeks from the receipt of the appeal letter. This will be dealt with impartially by a more senior manager than the chair of the grievance meeting, who has not previously been involved in the case (although they may ask anyone previously involved to be present) (the "**Appeal Chair**"). The Appeal Chair must be at least at Band 8 level or equivalent. A senior representative from HR department will also be present at an appeal meeting and the employee has the right to bring a colleague/representative to the meeting (see paragraphs 5.13 to 5.16 above).
- 5.21 The Trust will confirm the final decision in writing, usually within 10 working days. The Appeal Chair's decision is final. This is the end of the Grievance Procedure and there is no further appeal.

6. Collective Grievances

- 6.1 Where a grievance is lodged by a group of employees, it will be dealt with and heard on behalf of the group as a whole where this is practicable. The group will elect a maximum of 2 people to present their case.
- 6.2 The process outlined in steps 1 to 3 will be followed for collective grievances.

7. Review of the Policy

- 7.1 The policy will be reviewed on a biannual basis in conjunction with accredited Trade Union representatives.

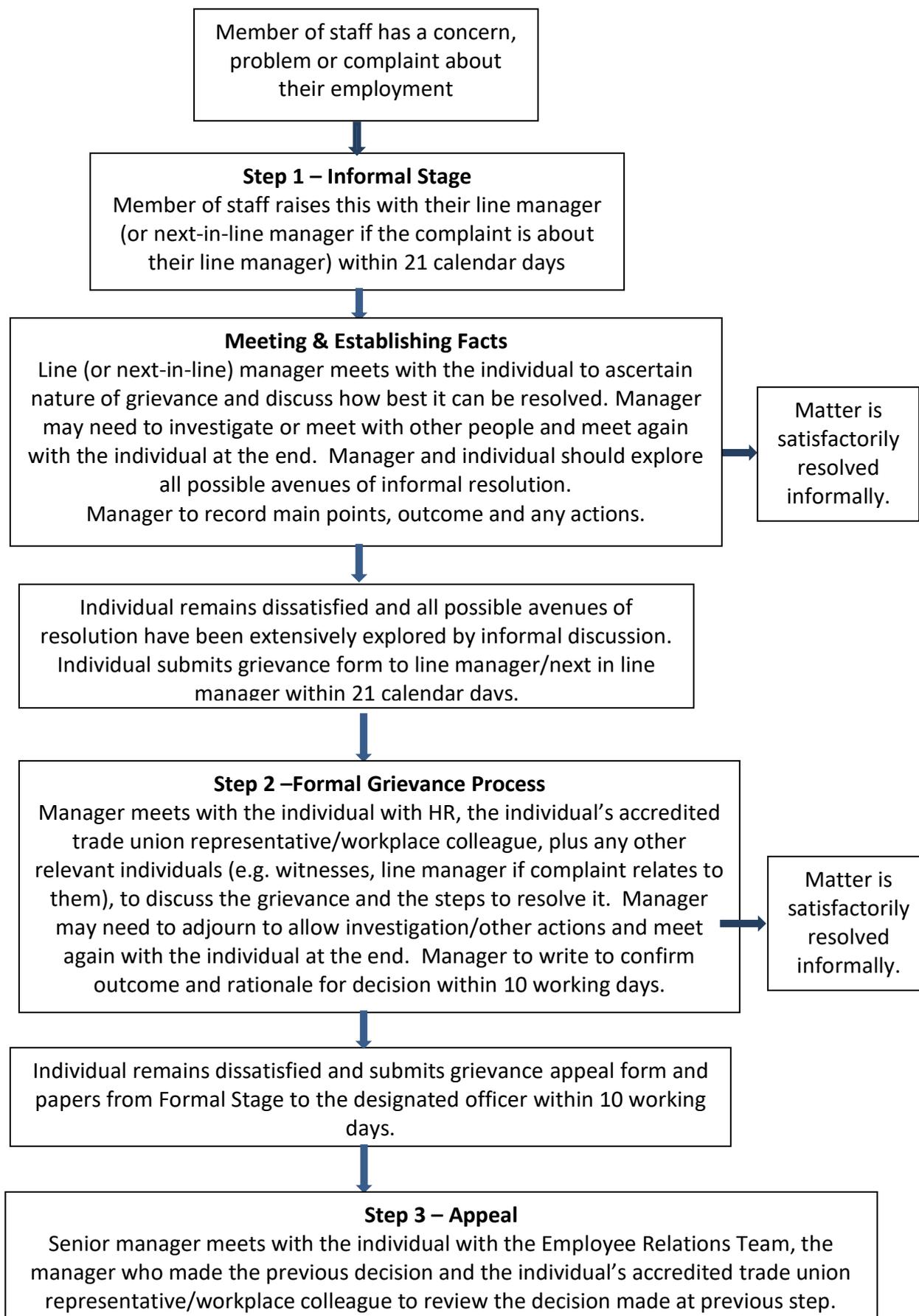
8. Monitoring

- 8.1 The Employee Relations Team will maintain statistics of all formal grievances raised and monitor trends by disability, age, gender (including transgender), race, religion and belief, sex and sexual orientation, marriage and civil partnership, and pregnancy and maternity. They will develop appropriate action plans if a trend becomes apparent, and will monitor the action plans for compliance on a quarterly basis. This will be reported to the Trust's Board annually.

9. Associated Documents

- Anti-Harassment, Bullying & Discrimination Policy
- Whistleblowing Policy
- Disciplinary Policy
- Time off for Trade Union Duties Policy
- HR Investigations Procedure

APPENDIX A Procedure Flow Chart



Appendix B

Equality Impact Assessment Tool

	Yes/No	Comments
1. Does the policy/guidance affect one group less or more favourably than another on the basis of:	No	
Race	No	
Ethnic origins (including gypsies and travellers)	No	
Nationality	No	
Gender	No	
Culture	No	
Religion or belief	No	
Sexual orientation including lesbian, gay and bisexual people	No	
Age	No	
Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2. Is there any evidence that some groups are affected differently?	No	
3. If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4. Is the impact of the policy/guidance likely to be negative?	No	
5. If so can the impact be avoided?	N/A	
6. What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7. Can we reduce the impact by taking different action?	N/A	

FORMAL GRIEVANCE FORM

This form is to be used to raise grievance formally in accordance with the Trust Grievance Policy. Please fill it in indicating all details requested below and submit to the appropriate person, as per the aforementioned policy.

Date	
Name	
Department/Division Contact number	
Who is the form submitted to Name Job title	
Name of a Trade Union Representative (if applicable)	
What steps have you taken to resolve the issues informally	
Why were you not satisfied with the informal outcome	
Grounds for grievance – please list specific grounds, indicate detailed situations, etc.	
What outcome are you looking for?	
Any further relevant information	