



GRIEVANCE PROCEDURE

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1 Policy Statement

- 1.1** The Trust recognises that from time to time employees may wish to seek resolution for grievances relating to their employment. Its policy is therefore to encourage free exchange of views between staff and their managers to ensure that questions and problems arising during the course of employment can be aired and where possible resolved to the satisfaction of all concerned.

2 Aim of the Procedure

- 2.1** To formulate arrangements which ensure a fair, effective and consistent method of dealing with grievances.

It is in the interests of both the Trust and its employees that grievances should be resolved quickly and at the appropriate level of management.

3 Basic Principles

- 3.1** The prime objective of the Procedure is to settle all grievances as quickly as possible and as near as possible to the point of origin.
- 3.2** The Grievance Procedure is to be used in situations where an individual employee or group of employees has/have a grievance against a management decision or action affecting their terms and conditions of employment or the physical conditions in which they are required to work. In situations where there is a perceived bullying and harassment issue this should be dealt with in accordance with the Trust's Dignity at Work Policy.
- 3.3** The Procedure does not interfere in any way with routine pay enquiries, nor does it preclude an employee seeking clarification of any matter from their staff representative, manager or the Human Resources Department.
- 3.4** All employees will approach their immediate manager in the first instance in an attempt to resolve the situation or problem on an informal basis. In appropriate circumstances, this may be with the next level of management.
- 3.5** In all stages of the Grievance Procedure, the time limits stated are to be regarded as a maximum, and in the interests of good staff relations, every effort should be made by all parties to reduce these time limits whenever possible.
- 3.6** However, by mutual agreement, it is possible to extend the time limits or to seek adjournments in appropriate circumstances.
- 3.7** All timescales in this Policy relate to calendar days.

- 3.8** By mutual agreement the grievance may be referred:
- back to any previous stage of the Procedure
 - exceptionally, to a higher stage but omitting one or more intervening stages
 - if a settlement is likely to be achieved by any of these actions to a mutually acceptable alternative means of resolving the grievance
- 3.9** In the event of a Collective Grievance, the group of employees should nominate one representative per Trade Union group. These employees may be accompanied by staff representative(s) if they so wish.
- 3.10** The member(s) of staff will be allowed reasonable time to arrange representation for any meetings arranged under all stages of the Procedure.
- 3.11** The Human Resources Department is available to managers and employees for advice and guidance on the operation of the Procedure.
- 3.12** A copy of this Procedure will be available to all members of staff and the Trust will notify all new employees of it on appointment.
- 3.13** The employee(s) will be notified in writing of the outcome of the grievance hearing within 7 calendar day at each stage unless agree otherwise..
- 3.14** It is the employee(s) responsibility to inform management in writing that the Grievance Procedure is being invoked and to provide details in writing of the grievance. The proforma at Appendix 1 may be used for this purpose. All efforts to resolve the matter informally outside of the grievance procedure should be explored...After which either or both parties should inform the other that the grievance procedure is to be invoked.
- 3.15** The grievance procedure can not be used by an employee who is dissatisfied with the outcome of a Disciplinary Hearing. In such cases the appeal mechanism incorporated into the Trusts Disciplinary Policy and Procedure should be used.
- 3.16** At all stages in this procedure, staff side representation should be encouraged.
- 3.17** Where the individual chooses not to be accompanied, it must be noted in the written summary that representation was offered and declined.
- 3.18** If, at any stage, the procedure is not followed, the individual may move to the next stage of the procedure

4 Procedure for Resolving Individual Grievances

4.1 If the informal stage, (3.14 and 3.4) , has been unsuccessful in resolving the issue, the employee may raise a formal grievance.

4.2 The following procedure is designed to achieve the objectives referred to in the above Policy Statement in an effective and efficient manner. It should not be used until either the normal work place communications have been shown to be ineffective or that the problem or issue is inappropriate to be dealt with through the normal communication channels.

4.3 Stage 1

4.3.1 Any employee who has a personal grievance or problem should first of all raise the issue with the next level of management through the Informal stage, when appropriate. The formal process must be initiated in writing as per section 3.14

The grievance must be issued to the Locality Human Resources Department, copied to the Line Manager. The HR Department will acknowledge receipt, in writing to the individual, within 5 calendar days.

4.3.2 Alternatively, an individual may consider that the issue is not appropriate to raise with their own immediate manager, for example if it raised against a decision made by their manager.

4.3.3 Providing the above procedure is followed the manager must arrange a meeting with the individual as soon as is reasonably practicable. Even if the first meeting is of an exploratory nature it should normally be arranged within 3 calendar days of receipt of the grievance and must take place within 14 calendar days of the notification of the grievance unless otherwise agreed. In the event that the grievance has not been heard within this time frame the employee shall be free to redress at the Stage Two level.

4.3.4 The individual employee has the right to be accompanied by a work colleague or trade union representative who may represent them at the meeting. A member of the Human Resources Department should be present at the meeting in an independent capacity. The manager may be accompanied by another work colleague.

4.3.5 The employee(s) will be notified in writing of the outcome of the grievance hearing within 7 calendar days unless agreed otherwise.

4.3.6 Where the individual chooses not to be accompanied it must be noted in the written summary that representation was offered and declined.

4.4 Stage 2

- 4.4.1** If the individual is not satisfied with the progress made after the stage one meeting, disagrees with the decision that was made, or cannot accept the proposed period before action is to be taken, they may decide to refer the matter to Stage Two of the procedure within 14 calendar days of the outcome of the Stage One meetings.
- 4.4.2** The proforma at Appendix 1 may be used to submit a grievance at this level and it should be sent to the manager to whom the individual's immediate manager reports. The manager will send a copy to the Human Resources Department. The manager will acknowledge receipt, in writing to the individual, within 5 calendar days.
- 4.4.3** The manager will arrange a meeting within 3 calendar days of receipt of the grievance the meeting should normally take place within 14 calendar days of receipt of the grievance unless otherwise agreed. Where the issues are complex this initial meeting may again be of an exploratory nature.
- 4.4.4** When necessary any further meeting will be arranged to take place within 10 calendar days unless otherwise agreed.
- 4.4.5** Any decisions/response will be confirmed in writing, within 7 calendar days unless otherwise agreed.

4.5 Final Stage - Appeal

- 4.5.1** Where the employee is not satisfied with the outcome(s) of Stage Two of the procedure they may appeal against the decision, in writing, within 14 calendar days of the outcome of Stage Two, to the Chief Executive Officer, with a copy being sent to the Human Resources Department.
- 4.5.2** The final stage must be heard by the CEO, non-Executive Director, or Executive Director, or Assistant Chief Ambulance Officer acting on behalf of the CEO.
- 4.5.3** A meeting must be arranged to take place within 3 calendar weeks of receipt of the appeal unless otherwise agreed.
- 4.5.4** As in the previous stages, the employee may be represented by a work colleague or trade union representative at this meeting. A representative from the Human Resources Department will be present in an independent capacity.
- 4.5.5** Confirmation of the outcome will be given in writing to the individual and a copy sent to the Human Resources Department to be kept confidentially on file.

4.5.6 Within the Trust, the decision of this meeting is final.

5 Procedure for Resolving Collective Grievances

- 5.1** Collective grievances, particularly where related to one particular location or area, should be dealt with in accordance with the above procedure for individual grievances as far as is possible, utilising nominated spokesperson(s) and Trade Union representatives as per section 3.9.
- 5.2** Where the grievance affects policies or procedures applicable to all locations within one area, the matter may be more effectively dealt with through the Locality Partnership Forum. This decision will be made by the appropriate line manager, in consultation with the nominated Trade Union Representative and the Human Resource Directorate.
- 5.3** Where the grievance affects Trust-wide policies or procedures or is equally applicable to all locations, the matter may be more effectively dealt with through the Regional Partnership Forum (RPF). This decision will be made by the appropriate line manager, in consultation with the nominated Trade Union Representative and the Human Resource Directorate. Should the matter be referred to the RPF the grievance is stayed and status quo remains.
- 5.4** It is the responsibility of the Staff Representatives to communicate with the appropriate Managers to ensure that they have the opportunity to address the matter prior to its being raised at the Locality Partnership Forum or RPF meeting.
- 5.5** Where the RPF is unable to satisfactorily conclude a collective issue, the originator of the grievance, together with 2 RPF nominated Trade Union representatives, will meet with an Executive Director(s) of the Trust in order to resolve the situation. Failure to do so at this stage may, if no other avenues are considered appropriate, necessitate referral to ACAS.

6 Status Quo

- 6.1** Under normal circumstances, whilst the grievance procedure is being followed, the “status quo” will remain, except where it would have a detrimental effect on the emergency or urgent running of the service, where it will have an effect on the critical needs of the patient of which the rationale will be provided. The term “status quo” means the practice, previously agreed or established, which was in operation prior to the grievance being raised.
- 6.2** However, where the employee raising an individual grievance is one within a group(s) of employees affected by a changed practice, and no collective grievance or other individual grievance has been raised, the Trust may implement the changed practice whilst and until the Grievance Procedure is concluded for the employee concerned.

- 6.3** Reference to and application of the above status quo sections of the grievance procedure removes neither the employee's nor the Trust's legal or contractual rights, responsibilities, obligations or remedies.

7 Advice and Confidentiality

- 7.1** At any stage an employee or manager may seek advice on this procedure from the Human Resources Department. When seeking advice the employee should request a confidential interview and refer to this provision of the Grievance Procedure.
- 7.2** Anything dealt with through the grievance procedure will be kept entirely confidential by those attending the meeting, unless the employee's express permission is given or where in order to obtain action or a decision a manager may need to explain the contents of the grievance to others.

8 Responsibilities

- 8.1** All those persons referred to within the Scope of this policy are required to adhere to its terms and conditions.
- 8.2** Individual managers are responsible for ensuring that this procedure is applied within their own area. Any queries on the application or interpretation of this procedure must be discussed with the Human Resources Department prior to any action being taken.
- 8.3** The Human Resources Department has the responsibility for ensuring the maintenance, regular review, updating of this policy and training managers in its application. Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by the Trust Board following consultation with the recognised trade unions. This does not effect an individuals statutory rights.
- 8.4** The Director of Human Resources is responsible for the monitoring of this policy, which will be through the Workforce Development Group.
- 8.5** An anonymous report will be submitted by the relevant HR Representative to the Regional Partnership Forum detailing the status of live grievances and the outcome of closed Grievances.

Appendix One – Statement of Grievance

This form should not be completed until all efforts to resolve the matter informally outside the grievance procedure have been exhausted, after which either or both parties should inform the other that the grievance procedure is to be invoked. A copy of the grievance procedure is available on the Trust's intranet site.

Please note that the completion of this form or a separate written statement **officially invokes** the Trust's Grievance Procedure and that it should be sent to the next person with responsibility and overall seniority of both parties involved in the grievance. A copy should also be sent to the Human Resources Department.

To be completed by the employee

Name of aggrieved employee.....

Department / Base Location

Grievance against (name of other party/parties).....

Informal Actions Taken.....

.....

.....

Nature of grievance.....

.....

.....

(continue overleaf if necessary)

Date grievance submitted..... (Stage One)

Stage one heard by

Stage one meeting date.....

This Grievance must be acknowledged by the receiving manager, within 5 calendar days and the hearing must be arranged to take place within 14 working days of receipt of the Grievance unless otherwise agreed.

To be completed by the Manager/Officer hearing the grievance

Action / Outcome taken in respect of grievance.....

.....
.....
.....

Signed..... Date.....

Job Title.....

To be completed by the employee

- I accept that the grievance has been satisfactorily resolved.
- I wish to refer my grievance to the next appropriate level in accordance with the Grievance Procedure for the following reason(s):

.....
.....
.....

(Delete as appropriate)

Signed..... Date..... (employee)

Date grievance submitted..... (Stage Two)

Stage Two heard by

Stage Two meeting date.....

This Grievance must be acknowledged by the receiving manager, within 5 calendar days and the hearing must be arranged to take place within 14 working days of receipt of the Grievance unless otherwise agreed.

Request to Progress to Appeal Stage received by CEO.....

Appeal heard by

Appeal meeting date.....

Appendix Two Grievance Guidance - Flowchart

