

Grievance and Disputes Policy

V3.0

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Responsible Directorate:	Human Resources
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Related Controlled documents	Grievance and Disputes Procedure Disciplinary Policy Equal Opportunities Policy Dignity at Work Policy Organisational Change Policy Secondment Policy Maintaining High Professional Standards Policy Agenda for Change Raising Concerns (including whistleblowing)Policy
Relevant External Standards/ Legislation	ACAS Code of Practice
Target Audience:	All staff
Further information:	Operational HR Team

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Version History:

Version No.	Date of Release	Document Author	Ratified by	Date Ratified
1	June 2014	Divisional HR Manager	JNCC, JLNC, Workforce Committee	June 2014
2	2016	Divisional HR Manager	JNCC, JLNC, Workforce Committee	June 2016
3	24/07/2017	Divisional HR Manager	Board	24/07/2017

Summary of changes from last version:

- The right for ex-employees to raise a grievance has been removed.
- Informal resolution should be sought in the first instance.
- The paragraphs about mediation have been removed as this would be an action from the informal stage or formal stage if necessary.
- Timeframes have been changed to either calendar days or working days.
- Disciplinary procedures may not be automatically suspended if a grievance is raised, if related HR will advise on whether this could be dealt with concurrently.
- Roles and responsibilities for Directors, HR and Managers clearly defined.

Table of Contents

1	Policy Statement	3
2	Scope	3
3	Definitions	3
4	Policy Framework	3
4.1	Types of issues that might give rise to a grievance	3
4.2	This policy is not intended to cover issues relating to	4
4.3	Timeframe	4
4.4	Overlapping grievance and disciplinary cases	4
4.5	Collective Grievances/Disputes	4
4.6	ACAS Referral	4
4.7	Training	5
5	Roles and Responsibilities	5
5.1	Director of Workforce	5
5.2	The Head of HR Operational Team	5
5.3	Divisional and Line Managers	5
5.4	Employees	6
6	Review and Monitoring Matrix	6
	APPENDIX A Monitoring Compliance	7

1 Policy Statement

This policy provides a mechanism for grievances and disputes to be dealt with in a fair, consistent and timely manner, and to be resolved at the lowest level possible within the organisation.

The Trust is committed to providing safe, effective patient healthcare and ensuring that all employees have the opportunity to raise and have heard any issues or concerns about their employment and treatment as an employee of the Trust. This policy seeks to ensure that individual grievances and collective disputes are settled in a fair and consistent manner, at the lowest level and as quickly as possible.

The purpose of this policy is to enable the Trust to respond to grievances and disputes raised by employees in the context of their employment.

2 Scope

This policy applies to all staff of Heart of England NHS Foundation Trust and should be read in conjunction with the [Grievance and Disputes Procedure](#).

3 Definitions

A Grievance is a complaint made, concern or problem raised by an employee about a decision, action or omission that the Trust has taken, proposing to take or has failed to take in relation to their employment.

A Dispute is used to describe a collective grievance about an action or omission that the Trust has taken or proposing to take in relation to the context of their employment. The Trust's local pay negotiations are excluded from this policy.

It should be noted that Grievances or Disputes cannot be taken out "against" any individual employee or employees of the Trust – the Grievance or Dispute must be in relation to specific decisions, actions or omissions taken on behalf of the Trust.

4 Policy Framework

4.1 Types of issues that might give rise to a grievance

- The application or interpretation of agreements, policies and procedures
- Health and Safety
- Working arrangements
- Working environment
- A breach of statutory employment rights
- Any other issue affecting an individual's employment

4.2 This policy is not intended to cover issues relating to

- harassment (which is handled under the Dignity at Work Policy), other than appeals relating to the conduct of a formal investigation
- performance management, dismissal or disciplinary matters (which are dealt with in separate policy statements)
- matters concerning nationally agreed terms and conditions of employment
- matters that are within the scope of formal negotiations at national level
- Issues of strategic policy which have been decided by the Trust
- matters related to national insurance, income tax and rules of pension schemes

4.3 Timeframe

Employees wishing to raise a grievance should do so within three months of the event taking place. In exceptional circumstances where the grievance has been on-going, this three month period may be extended. An example of this may be where an employee has been on long term sick or where the employee may have been unaware of the event that dated back more than three months.

It is expected that grievances will be resolved as quickly as possible from the date the grievance was first brought to the attention of the employee's immediate manager and only in exceptional circumstances should this take longer than 3 months. If it is not possible to resolve the grievance within this timeframe, the manager should write to the employee informing them of the reason for the delay.

4.4 Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a disciplinary process, the two processes will normally run concurrently. Where the grievance is related to the application of the disciplinary policy, advice must be sought from the HR Team.

4.5 Collective Grievances/Disputes

In circumstances where a grievance may apply to more than one employee and where these employees agree to seek resolution as a group, they may agree to raise a shared grievance for joint resolution under this policy. In such cases a representative of the group or a trade union representative will raise the matter on behalf of the employees stating the names of the employees who are signatories to the grievance.

4.6 ACAS Referral

Where a dispute remains unresolved, it may be jointly referred to ACAS for conciliation by either party to the dispute. The agreement of both parties would be necessary in order to proceed.

4.7 Training

Managers will be trained on this policy and its requirements by the Operational HR team. Managers should proactively seek to book themselves onto the HR Master class which can be booked through the Education Department.

5 Roles and Responsibilities

5.1 Director of Workforce

The Director of workforce has the responsibility to ensure that:

- The provision and maintenance of this Policy and its associated Procedure and guidance are part of the Trust's portfolio of controlled documents
- The provision of training events for managers is in support of this Policy and Procedure.
- All grievances are recorded and monitored in accordance with this Policy.

5.2 The Head of HR Operational Team

Will ensure the HR Operational team has specific responsibilities as follows:

- To advise managers of courses of action which may avoid/reduce the likelihood of grievances at the outset
- To advise managers and staff at all stages of the grievance process as necessary
- To ensure that grievances from stage 2 onwards are handled in line with the process below
- To ensure that notes are taken at the second and third stage of grievances
- Support the Hearing Chair
- Identify and monitor trends

5.3 Divisional and Line Managers

Managers are expected to:

- Understand the Grievance Policy and Procedures and be able to apply these appropriately at all times.
- Resolve complaints at the lowest possible level quickly and effectively when these occur
- Ensure complaints are dealt with in a fair and consistent manner, appropriately documented and resolved informally whenever possible within the specified timeframes
- Process informal complaints in a timely, confidential, efficient manner, escalating concerns to senior management and HR were necessary.

- Ensure records are kept detailing the nature of the grievance, manager's response and action taken
- To seek to manage fairly and transparently in a way that does not give rise to unnecessary grievances
- To operate the grievance procedure under the stages outlined
- To organise hearings and notify the parties concerned
- To gather information in preparation for the hearing, calling witnesses where applicable and ensuring meetings are documented
- To write cases as necessary for submission to panels
- To attend/ chair panel meetings as necessary
- To adhere to the time limits in the procedure wherever possible

5.4 Employees

Employees are required to ensure that they:

- Recognise that grievances can often be handled informally in the first instance; and should consider alternatives to formal grievances (e.g. discussing concern with the relevant person (s)).
- Recognise that any formal grievances must be raised in accordance with both statutory and contractual procedures.

6 Review and Monitoring Matrix

This policy and the appropriate procedure and management guidelines will be reviewed through the Head of Operational HR and input sought from JNCC.

For Monitoring Criteria please see **Appendix A**

APPENDIX A Monitoring Compliance

MONITORING OF IMPLEMENTATION	MONITORING LEAD	REPORTED TO PERSON/GROUP	MONITORING PROCESS	MONITORING FREQUENCY
<p>That managers are following the procedure as laid down</p> <hr/> <p>That staff members going through the process feel that the process is being adhered to</p>	<p>Operational HR</p>	<p>Operational Workforce group</p>	<ul style="list-style-type: none"> • An annual report which looks at grievances raised/complaints received • A summary of lessons learned which includes operational intelligence on the operation of the policy and associated procedure • Suggestions for how the guidance or training can be improved 	<p>Annual</p>