

Document Control

Title			
Grievance Policy and Procedure			
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Directorate Workforce Development			Department Human Resources
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1.1	Nov 2009	Revision	Document control report added to front of document to show extension to review date and contact details. Procedure as previous version. Published on Tarkanet.
1.2	Jan 2010	Revision	Procedure drafted in new template by Corporate Affairs.
1.3	May 2010	Revision	Updated in line with new policy format
1.4	Jul 2010	Revision	Minor amendments by Corporate Affairs to document control report and formatting for document map navigation.
1.5	Jan 2013	Revision	Harmonised Policy as a result of the merging of Northern Devon Healthcare NHS Trust and NHS Devon community services. The Policy has been strengthened with regards to procedures.
2.0	Mar 2013	Final	Ratified at March 2013 Partnership Forum
2.1	Oct 2013	Revision	Minor amends incorporated following Partnership Forum and WODG feedback. Amended "Executive Director" to "Board Level Director (including Associate Director)" and incorporated Dispute Resolution Template within Appendix F
2.2	Jun 2015	Revision	Equality Impact Assessment Screening Form added
3.0	July 2019	Final	Reviewed and approved at Pay & Reward then approved at Partnership Forum.
3.1	June 2021	Extension	In April-21 Governance Committee it was agreed that this document would have extended due dates until 31st May 2022.
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Superseded Documents Grievance/Dispute Procedure			
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1. Introduction

This document sets out Northern Devon Healthcare NHS Trust's procedure for dealing with staff grievances or disputes. It provides a robust framework to ensure a consistent approach across the whole organisation. This procedure applies to all Trust staff.

All grievances and disputes should be resolved as near to their source as possible. The grievance/dispute may be raised by an employee(s) and/or their representative.

In the vast majority of instances it is preferable that any concerns are appropriately and speedily addressed by having an informal and constructive discussion and it is expected that the line manager will instigate this as a matter of course as part of their normal line management duties.

Where an employee has a grievance about a work related problem e.g. environmental conditions, performance evaluation etc., this should be raised in the first instance with their line manager. Staff concerns regarding the application of Terms and Conditions of Employment will be properly pursued through this procedure.

Where an employee has a grievance that concerns their line manager or one they do not wish to discuss with their manager e.g. a personality clash or personal disagreement, this should be raised in the first instance with the next level of management, an independent manager or an appropriate member of the HR Operations Team who will refer it to the next level manager. The concerns should be put in writing and should set out the nature of the grievance and the preferred outcome you are looking for.

2. Purpose

This procedure is aimed at ensuring the fair, early and successful resolution of concerns raised by Trust staff where it has not been possible to settle the difference with the immediate supervisor/manager. These concerns cover grievances and/or disputes raised by any member of Trust staff.

The Procedure has been written to define the formal procedure for resolving a staff grievance or dispute.

3. Definitions

Grievance

- 3.1. Grievances are concerns, problems or complaints that employees raise with their employers. A grievance may be defined as a difference between an individual and the employer affecting duties, interpretation of conditions of service, working conditions, procedures or alleged unfair treatment. A grievance can relate to action that the Trust has taken or is contemplating taking in relation to staff employment.

Dispute

- 3.2. A dispute may be defined as a collective grievance where more than one employee has a common difference, which if considered on an individual basis, would be deemed to be a grievance. A dispute may be registered by the staff members themselves, a recognised Trade Union Representative or Staff Organisation Representative where an issue concerning one employee may be deemed to have wider implications for their membership.

Status Quo

- 3.3. The status quo, i.e. the working and management arrangements that applied before the grievance/dispute, will prevail at all stages of this procedure other than in those exceptional circumstances where operational needs determine that this cannot be the case. Where exceptional circumstances mean that the status quo cannot apply, the rationale for this will be clearly explained.

Neither side will take any action that could prejudice the outcome, excluding lawful Trade Union activity, until the outcome is reached.

Manager

- 3.4. For the purposes of this Policy and Procedure the term “manager” is used to cover any employee who has responsibility for staff.

Facilitated Discussion and/or Mediation

- 3.5. A facilitated discussion and/or mediation is essentially part of the informal procedure, but can, under certain circumstances, be used instead of the formal procedure. A facilitated discussion between the parties can be supported by HR or a senior manager. It involves working through the issues to try and reach an agreement. Mediation further builds on the principles of a facilitated discussion to try and bring about a resolution. Mediation should only be undertaken by an individual trained in mediation and independent of the issues concerned. Such mediation can only take place with the agreement of both parties.

4. General Principles

All grievances/disputes will be treated by all parties as confidential unless mutually agreed otherwise. However, it is recognised that it may not be possible to prevent a certain amount of gossip where some details are already more widely known. Breach of confidentiality will be taken extremely seriously and action may be taken under the Trust's Disciplinary Policy.

The following issues are excluded from this Grievance Procedure because separate mechanisms exist:

- Bullying and Harassment
- Freedom to Speak Up (Whistle-blowing)
- Redeployment and Organisational Change unless it pertains to unfair implementation of the change following conclusion of the consultation process
- Dismissal or warnings issued under any other formal process
- Appeal procedures under any other formal process
- Matters where specific Agenda for Change and/or other Trust policies are applicable
- Matters over which the Trust has no control e.g. income tax and national insurance payments etc.

Private grievances between employees which are not related to the working environment are outside of the scope of the employment relationship and authority of the Trust to resolve.

If any employee is unclear about how to proceed, a member of the HR Operations Team or a Trade Union representative may be contacted to provide guidance on process.

Where an employee raises a grievance during a disciplinary process HR may determine that 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.

At any stage in the procedure set out below employees have the right to seek the help of and to be represented by an accredited Trade Union Representative or accompanied by a workplace colleague. It would not normally be reasonable for employees to insist on being accompanied by a companion whose presence could prejudice the meeting, nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on-site or locally. The employee is entitled to be accompanied by one appropriate person (unless an additional attendee is required as a reasonable adjustment for a disability e.g. a signer attending as well as a Trade Union representative to support a deaf employee). If the employee is a member of a trade union or professional body, the employee should obtain representation at the beginning of the process. A representative of the HR Operations Team may also be present at any stage where appropriate.

The Trade Union representative may address the meeting, ask questions and confer privately with the employee but has no legal right to answer questions on behalf of the employee or to address the meeting if the employee does not wish it or to prevent the employee from explaining their case.

Where a grievance against another employee is upheld, subject to the appeal process, the disciplinary process may need to be implemented from that point.

Where a group of employees wish to raise a collective grievance i.e. a dispute, the Trust will not consider subsequent grievances on the same issue(s) from individual members of the group at a later date.

The Trust recognises that unproven accusations could have serious effects on innocent individuals. Anyone who is found to have made an unfounded, deliberately malicious complaint or allegation may be subject to disciplinary action.

A grievance that refers to a matter that occurred three months or more before the grievance was raised shall normally be considered to be time expired (subject to the exceptions below) and will not be dealt with under this procedure. The exceptions are:

- If an individual is incapacitated through certified ill health and is thereby prevented from raising the grievance within the three-month time limit; or
- If there is evidence to prove that the time lapsed is solely due to an attempt to resolve the issue informally; or
- The issue complained of occurred more than 3 months before the grievance was lodged but the issue of concern was not apparent to the individual at that time. In this situation the 3-month time limit will be deemed to run from the date it was reasonable to expect the employee to be aware of the subject of the grievance.

The timescales determined within this policy should be adhered to. However, should there be unavoidable delays or if by mutual agreement the timescales are extended the employee should be provided with a written explanation and should be advised of the anticipated timescales.

The Trust will seek mutually convenient dates for meetings in accordance with the timescales in this procedure. In the event that an employee or their representative unreasonably delays (e.g. by being unresponsive to attempts to organise meetings or by either the individual or their representative being repeatedly unavailable to attend meetings) a grievance meeting at any level then the grievance may be deemed to be withdrawn and the employee will be notified accordingly.

Wherever possible a grievance should be dealt with before an employee leaves employment. However a modified procedure may be applied where:

- an employee has already left employment

or

- the standard procedure has not been commenced or completed before the employee left employment

and

- both parties agree in writing that it should be used instead of the standard procedure.

The modified procedure consists of two stages as set out below:

- 1 The employee sends written confirmation to the Director of Nursing, Quality & Workforce that they wish to pursue their grievance;
- 2 Where appropriate the Trust responds within 28 calendar days of receipt of the letter giving responses to the points raised.

NOTE: The shortened procedure will only be implemented if the grievance is capable of resolution even though the employee has left the employ of the Trust. The employee will be required to clearly set out the outcome they are looking for. Claims for non-contractual monetary payments cannot be considered under this policy.

5. Duties and Responsibilities

Employee

5.1. The Employee is responsible for:

- Lodge their grievance as soon as practically possible and no later than 3 months (unless the exceptional circumstances set out in Section 4 above apply) of the incident in writing to their line manager
- Indicate at the outset of the process their expectations relating to the outcome of their grievance (NB: it would not be appropriate to request the termination of another staff member's employment. Neither can claims for non-contractual monetary payments be dealt with under this policy).
- Engage in attempts to resolve any issues before invoking the policy if practical and if not practical to attempt resolution at the "informal" level of the policy.
- Where such attempts fail, submit a formal grievance in writing, using Notification of Grievance Form at Appendix A
- Contact their trade union representative or workplace colleague as appropriate for support.
- Take all reasonable steps to attend the meeting(s).
- Present written evidence in support of their grievance at the meeting.
- Treat the matter confidentially at all times.

Line Manager

5.2. The Line Manager is responsible for:

- Make every effort to resolve any issues informally wherever possible. If it is not feasible to resolve the issues informally follow the Formal Procedure laid out in this Policy
- Ensure meetings are promptly arranged
- Document the process appropriately
- Treat the matter confidentially at all times

HR Operations Team Representative

5.3. The HR Operations Team Representative is responsible for:

- Provide advice and guidance on the grievance process and attend formal grievance meetings as necessary
- Attend appeal meetings in all complex cases, such as discrimination
- Advise managers that they may choose to be accompanied by an experienced manager where they have not previously undertaken a grievance meeting
- Treat the matter confidentially at all times.

Trade Union representative/workplace colleague

5.4. The Trade Union representative/workplace colleague is responsible for:

- Represent/support employees through the formal process (Level 2 onwards)
- Where possible to hand over cases during periods of leave to avoid unnecessary delays
- Assist and represent the employee in stating their case, but not answer questions on their behalf
- Treat the matter confidentially at all times.

6. Procedure – See Grievance Procedure Flowchart at Appendix G

Level One: Informal Procedure

6.1. All grievances and disputes should be resolved as near to the source as possible.

Most grievances should be able to be resolved by having an informal and constructive discussion between the employee and their manager. This should occur as soon as possible and no longer than 30 calendar days from the issue being raised.

The line manager will, if appropriate, notify in writing to the employee(s) the proposed action to resolve the concern, including agreed time limits within 15 calendar days of the meeting.

If it has not been possible for the Manager and employee to resolve the grievance before moving to Level 2 of the formal process consideration should be given to whether a facilitated discussion or mediation may resolve the issues. Facilitated discussion and/or Mediation are confidential and voluntary processes that bring people together to discuss the issues. A facilitated discussion between the parties can be supported by a senior manager, a trained mediator or HR and involves working through the issues to try and reach an agreement. Mediation further builds on the principles of a facilitated discussion to try and bring about a resolution. Mediation should only be undertaken by an individual trained in mediation. Requests for the mediation service must be made to the HR Operations Team.

If, after the review, the concern or issue still remains, the employee should notify the line manager that they wish to progress to Level Two and the formal procedure should be followed.

Level Two: Formal Procedure

- 6.2.** Where the employee has attempted to resolve the issues at the informal stage, level 1 above, however remains aggrieved they can escalate their grievance to the formal stage at Level 2.

The employee must provide written notification of their grievance on the Notification of Grievance Form (see Appendix A) to their line manager. This must include:

- A clear and detailed statement of the issues
- The desired outcome

This must be done within a maximum of 15 calendar days following confirmation of the outcome of the informal stage.

This time limit may be extended only at the discretion of the line manager with advice from the HR Operations Team, when circumstances make it impracticable for written notification to be lodged within 15 calendar days.

On receipt of the written notification, the line manager will inform the HR Operations Team and arrange for a Level 2 Grievance Meeting to be convened without unreasonable delay and, where possible, within 28 calendar days of receipt of the formal grievance, at which the matter will be considered further. This Level 2 Grievance Meeting will be conducted by a manager at least one level higher than the manager who dealt with the matter at Level One, as determined by the Trust.

When arranging the Level 2 meeting(s) the manager should discuss with HR whether their presence is required (e.g. if the case appears complex) and ensure the grievance meeting takes place along with an appropriate manager/supervisor or a representative from the HR Operations Team. The format of the meeting will follow the format as detailed within section 7.

In exceptional circumstances (i.e. complex and wide ranging grievances), an investigation may be commissioned on receipt of the formal notification of grievance. An investigation for these purposes is a process of gathering information and establishing the facts of the grievance and the proposed resolution so that the manager hearing the grievance can make a sound judgement on whether or not the grievance should be upheld and consider the proposed resolution.

The nominated manager will conduct the Level 2 Grievance Meeting with the aggrieved employee(s) and other parties as appropriate. If they believe that further investigations are required as a result of issues raised at the meeting (especially where no separate investigation has already taken place) this will be done. It may therefore be necessary to adjourn the meeting with the employee and meet again at a later date.

The nominated manager will confirm the outcome decision from the Level 2 Grievance Meeting verbally as soon as possible, but in writing to the employee using the template letter at Appendix B, attaching a copy of the original grievance form, within 10 calendar days of the meeting. They shall, where appropriate, set out what action should be taken to resolve the grievance, unless it has been decided by mutual agreement to vary this date when the anticipated date of response should be confirmed in writing. The employee should be advised that they can lodge an appeal against the decision if they are not satisfied with the outcome.

Level Three: Appeal Hearing

- 6.3.** If following the Level Two Grievance Meeting, the concern or issue has not been resolved, the matter will be referred to an Appeal Panel comprised of a Manager at Band 8C level or higher and a Board Level Director (including Associate Director) or Non-Executive Director plus a member of the HR Directorate to provide HR advice to the panel.

To invoke a Level Three Appeal Hearing the employee must write a letter to the Director of Nursing, Quality & Workforce within 15 calendar days of the date of the letter confirming the outcome of the Level Two Grievance Meeting, stating clearly the grounds of appeal. They must attach a copy of the original grievance lodged and the written outcome letter from the Level 2 Grievance Meeting to their appeal letter.

On receipt of the appeal letter the Director of Nursing, Quality & Workforce will refer the matter to an Appeal Panel who will attempt to hear the appeal within 28 calendar days from the date of receipt of the appeal letter. Arrangements for the Appeal Hearing will be confirmed at least 7 calendar days prior to the Appeal hearing using template letter attached at Appendix C.

The manager who previously considered the grievance at Level Two will be required to explain the reasons for their decision.

The Appeal Panel may, at their discretion, adjourn an appeal in order that further evidence may be produced.

The Appeal Panel should consider their decision in private. A decision will be reached by a majority. The Chairperson will have the casting vote if necessary. The Appeal Panel will confirm the outcome verbally as soon as possible. If an immediate decision cannot be given it shall be communicated in writing to both parties within 10 calendar days of the Appeal Hearing (see template at Appendix D).

The decision of the panel for all grievance/dispute appeals shall be final and there will be no further reference for consideration.

7. Proceedings

The proceedings at each of the meeting(s) at each Formal Level would typically be as follows:

1. Introductions and 'housekeeping'
2. The aggrieved employee(s) and/or representative will put their case, and call any witnesses
3. The Trust's representative may put questions to the aggrieved employee(s) and/or representative and any witnesses
4. The nominated Manager or Panel may put questions to the aggrieved employee(s), their representative and any witnesses
5. The Trust's representative will put their case, and call any witnesses
6. The aggrieved employee(s) or their representative may put questions to the Trust's representative and any witnesses
7. The nominated Manager or Panel may put questions to the Trust's representative and/or witnesses
8. The Trust's representative summarises their case
9. The aggrieved employee(s) and/or their representative summarises their case
10. The nominated Manager or Panel asks both sides to withdraw whilst the case is considered.
11. When a decision has been reached, both sides rejoin the nominated Manager or Panel to be informed of the outcome of the Meeting/Hearing.

12. The nominated Manager or Chair of the Panel records the result of the Review in writing, which will be conveyed to the aggrieved employee and their representative within 10 calendar days of the review.

These proceedings are indicative only of the way in which matters may be progressed. They will always be subject to confirmation and/or variation by agreement with the employee initiating proceedings.

Notes of the meeting can be recorded using the template documents within Appendix F (See Grievance Notes and Dispute Resolution Template).

8. The Development of the Policy

Document Development Process

- 8.1. As the accountable Director, the Director of Nursing, Quality & Workforce is responsible for developing the policy and for ensuring stakeholders were consulted with.

Draft copies were circulated for comment before approval was sought from the relevant committees.

Equality Impact Assessment

- 8.2. The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. An Equality Impact Assessment has been undertaken (see Appendix H) and there are no positive or negative impacts.

9. Consultation, Approval and Ratification Process

Consultation Process

- 9.1. The policy has been drawn up in partnership with Staffside and formally approved by:
 - The Pay & Reward Group
 - Partnership Forum

Policy Approval Process

- 9.2. Formal approval of the policy will be sought from the Partnership Forum
The policy does not require further ratification by the Trust Board

10. Review and Revision Arrangements including Document Control

Process for Reviewing the Policy

- 10.1. The policy will be reviewed every three years. The author will be sent a reminder by the Corporate Affairs Manager four months before the due review date. The author will be responsible for ensuring the policy is reviewed in a timely manner

Process for Revising the Policy

- 10.2. In order to ensure the policy is up-to-date, the author may be required to make a number of revisions, e.g. committee changes or amendments to individuals' responsibilities. Where the revisions are minor and do not change the overall policy, the author will present the revised version to Partnership Forum via the Pay & Reward Group for approval.

Significant revisions will require final approval by Partnership Forum.

All revisions will be recorded by the author in the document control report.

Document Control

- 10.3. The author will comply with the Trust's agreed version control process, as described in the organisation-wide Guidance for Document Control.

11. Dissemination and Implementation

Dissemination of the Policy

- 11.1. After ratification by Partnership Forum, the author will provide a copy of the policy to the Corporate Affairs Manager to have it placed on the Trust's intranet. The policy will be referenced on the home page as a latest news release.

Implementation of the Policy

- 11.2. Line managers are responsible for ensuring this policy is implemented across their area of work.
- 11.3. Support for the implementation of this policy will be provided by the Personnel and Development Directorate.

12. Document Control including Archiving Arrangements

Library of Procedural Documents

- 12.1. The author is responsible for recording, storing and controlling this policy.

Once the final version has been ratified, the author will provide a copy of the current policy to the Corporate Affairs Manager so that it can be placed on BOB. Any future revised copies will be provided to ensure the most up-to-date version is available on BOB.

Archiving Arrangements

- 12.2. All versions of this policy will be archived in electronic format within the Personnel and Development policy archive. Archiving will take place by the HR Manager once the final version of the policy has been issued.

Revisions to the final document will be recorded on the Document Control Report. Revised versions will be added to the policy archive held by Personnel and Development.

Process for Retrieving Archived Policy

- 12.3. To obtain a copy of the archived policy, contact should be made with the Personnel and Development Directorate.

13. Monitoring Compliance with and the Effectiveness of the Policy

Process for Monitoring Compliance and Effectiveness

- 13.1. Monitoring compliance with this policy will be the responsibility of the Personnel and Development Directorate. This will be undertaken by liaising with line managers and staff to ensure they are appropriately applying the policy.

Annual auditing by Personnel and Development will be undertaken to check that managers are maintaining appropriate records within personnel files.

Where non-compliance is identified, support and advice will be provided to improve practice.

14. References

- Employment Act 2006
- ACAS 2009 Code of Practice 1 Disciplinary and Grievance Procedures

15. Associated Documents

Northern Devon Healthcare NHS Trust Policies for:

- Disciplinary Policy
- Raising Concerns and Complaints Policy
- Bullying and Harassment Policy

16. Equality Impact Assessment

Equality Impact Assessment Screening Form			
Title	Grievance Policy and Procedure		
Author	Tim Robinson, Assistant Director of HR		
Directorate	Workforce and Organisational Development		
Team/Dept.	HR Operations		
Document Class	Document Status	Issue Date	Review Date
Policy & Procedure	Final version	July 2018	3 years
1	What are the aims of the document?		
	This document sets out Northern Devon Healthcare NHS Trust's procedure for dealing with staff grievances or disputes. It provides a robust framework to ensure a consistent approach across the whole organisation. This procedure applies to all Trust staff.		
2	What are the objectives of the document?		
	This procedure is aimed at ensuring the fair, early and successful resolution of concerns raised by Trust staff where it has not been possible to settle the difference with the immediate supervisor/manager. These concerns cover grievances and/or disputes raised by any member of Trust staff. The Procedure has been written to define the formal procedure for resolving a staff grievance or dispute.		
3	How will the document be implemented?		
	The Grievance Policy/Procedure is already published on the Trust's Intranet and this Equality Impact Assessment will be published alongside it until the Policy/Procedure is formally reviewed at which point the EIA will be incorporated into the Policy/Procedure as an appendix.		
4	How will the effectiveness of the document be monitored?		
	Monitoring compliance with this policy will be the responsibility of all Managers and Directors. The Director of HR and Development will maintain regular review of the numbers / nature of grievances and produce an annual report for key stakeholders.		
5	Who is the target audience of the document?		

	All staff					
6	<p>Is consultation required with stakeholders, e.g. Trust committees and equality groups?</p> <p>EIA update agreed as a result of Equality and Diversity Audit in 2015 and EIA's will be monitored via Organisational Development Committee as part of equality and Diversity Action Plan.</p>					
7	<p>Which stakeholders have been consulted with?</p> <ul style="list-style-type: none"> Organisational Development Committee Workforce and Organisational Development Committee 					
8	<p>Equality Impact Assessment</p> <p>Please complete the following table using a cross, i.e. X. Please refer to the document "A Practical Guide to Equality Impact Assessment" on the Trust's Intranet site (Bob) for areas of possible impact.</p> <ul style="list-style-type: none"> Where you think that the policy could have a positive impact on any of the equality group(s) like promoting equality and equal opportunities or improving relations within equality groups, put a cross in the 'Positive impact' box. Where you think that the policy could have a negative impact on any of the equality group(s) i.e. it could disadvantage them, put a cross in the 'Negative impact' box. Where you think that the policy has no impact on any of the equality group(s) listed below i.e. it has no effect currently on equality groups, put a cross in the 'No impact' box. 					
		Group	Positive Impact	Negative Impact	No Impact	Comment
		Age			X	
		Disability			X	
		Gender			X	
		Gender Reassignment			X	
		Human Rights (rights to privacy, dignity, liberty and non-degrading treatment), marriage and civil partnership			X	
		Marriage and civil partnership			X	
		Pregnancy			X	
		Maternity and Breastfeeding			X	
		Race (ethnic origin)			X	
		Religion (or belief)			X	
		Sexual Orientation			X	

Appendix A – Notification of Grievance Form

NOTIFICATION OF GRIEVANCE

Strictly Private & Confidential	
To - Name:	.....
Job Title:	.....
Copy to (HR Operations Department):	.....
FROM - Surname:	.....
First Name:	.....
Job Title:	.....
Department/Directorate:	.....
Base:	.....
Contact Number:	.....
e-mail Address:	.....
Name of Trade Union Representative or Workplace Colleague:	.....
Contact Number of representative:	.....
Please detail the substance of your grievance (attach a sheet if necessary):	
Please detail the desired outcome you are looking for:	

Employee's signature.....
Date submitted:

*This form should be passed to your line manager, or more senior manager if appropriate.
Please retain your own copy.*

Manager's Name (CAPS):.....

Manager's Signature: Date received:.....

Once received by relevant Manager a copy of this form should be sent to the employee with a covering letter acknowledging receipt. The original should be placed on the personal file along with any other related correspondence.

Appendix B – Draft Letter of Invitation to Level 2 Grievance Meeting

Date

Private & Confidential

To be sent to employee at home address

Dear

I am in receipt of your notification of grievance form dated on

I note that the grounds of your grievance are as follows:

- (.....)
- (.....)

I am writing to advise you that a Level 2 Grievance Meeting has been arranged to discuss this in accordance with the Trust's Grievance Policy (copy enclosed).

You are required to make every effort to attend the meeting, which will take place on at (time)..... At (venue).....

(State who will be present at the Level 2 Grievance Meeting)

You have the right to be accompanied at the Meeting by a trade union representative or workplace colleague.

The format of the Grievance meeting is set out in Section 7 and the intended outcome of this meeting will be to determine whether the grievance should be upheld or not and where applicable set out any action(s) to be taken.

Please confirm your attendance at the Grievance Meeting with and advise whether you will be accompanied by a colleague or representative and, if so, who it will be.

Yours sincerely

Appendix C – Draft Letter to Confirm Outcome of Level 2 Grievance Meeting

Date

Private and Confidential

Send to employee's home address

Dear

I am writing to confirm the outcome of the Level 2 grievance meeting which was held on to discuss your grievance, a copy of which is attached. I note that your grievance was:

-
-
-

Having listened carefully to the information presented by you and after having investigated/considered* the facts I confirm that I have decided your grievance is founded/unfounded* (*delete as appropriate) and would like to outline the reasons for this decision.

(insert reasons)

(If overturned)

Please note that you do have the right of appeal against this decision and this should be done within 15 calendar days of the date of this letter. Your appeal should be in writing to the Director of Nursing, Quality & Workforce.

Yours sincerely

Cc: Trade Union representative where known

Appendix D – Draft Letter of Invitation to Appeal Hearing

Date

Private & Confidential

To be sent to employee at home address

Dear

I am in receipt of your letter of appeal against the outcome of your grievance issued on

I note that your reason(s) for appeal is/are as follows:

- (.....)
- (.....)

I am writing to advise you that an Appeal Hearing has been arranged to discuss this in accordance with the Trust's Grievance Policy (copy enclosed).

You are required to make every effort to attend the meeting, which will take place on at (time)..... At (venue).....

(State who will be present at the Appeal Hearing)

You have the right to be accompanied at the Hearing by a trade union representative or workplace colleague..

The format of the Appeal Hearing is set out in Section 7.

Please confirm your attendance at the Appeal Hearing with and advise whether you will be accompanied by a colleague or representative and, if so, who it will be.

Yours sincerely

Appendix E – Draft Letter to Confirm Outcome of Appeal Hearing

Date

Private & Confidential

To be send to employee at home address

Dear

I write to confirm the outcome of the recent Appeal Hearing which was held on

.....

Having listened carefully to the information presented by both yourself and the management side I confirm that I have upheld/overturned* (*delete as appropriate) your appeal and would like to outline the reasons for this decision.

(insert reasons)

Please note that this decision is final.

Yours sincerely

Cc: Trade Union representative where known

Appendix F – Management Notes & Dispute Resolution Templates

GRIEVANCE MEETING MANAGEMENT NOTES

To be completed in all cases

Employee name:
Present at meeting:
Date:
Meeting Chair:
Key points raised at meeting:

Signed
Meeting Chair

Date:.....

Dispute Resolution Template

Reaching Local Agreement principles:

- Parties must be driven by the objective of seeking to reach agreement
- Joint consultation can promote consent and understanding and assist in the joint aim of developing employee participation and involvement in the Trust
- Discussion is most effective when participants are well informed and have confidence in each other - there must therefore be a willingness to share information, e.g. in relation to quality of service, productivity and costs
- Any proposals put forward by one party should always be considered by the other - they should never be rejected out of hand but, in all cases where they are not acceptable, a reasoned response should be made.

<u>Parties present</u> (Name and Position Title)	<u>Management</u>	<u>Staffside</u>
<u>Date of meeting</u>		
<u>Points of agreement:</u>		
<u>Issue of disagreement:</u>		
<u>Points of disagreement:</u>	<u>Management Position</u>	<u>Staffside Position</u>
<u>Outputs of meeting:</u>		
<u>Agreed next steps toward resolution (including target dates)</u>		

Signatories/date:

.....

.....

Appendix G – Grievance Procedure Flowchart

Level 1 – Informal Procedure

Employee raises grievance with line manager.
Line manager attempts to resolve informally within 30 working days
Facilitated meeting or mediation to be considered
Line manager and employee resolve grievance or proceed to Level 2



Level 2 – Formal Grievance Procedure

Employee or accredited trade union representative (on behalf of the employee) writes to line Manager giving details of the grievance/dispute

On receipt of the written notification, the line manager will inform the HR Operations Team and arrange for a Level 2 Grievance Meeting to be convened without unreasonable delay and, where possible, within 28 calendar days of receipt of the formal grievance. The employee will receive written confirmation of the receipt of their grievance and arrangements for the Grievance Meeting.

Following the Level 2 Grievance Meeting the line manager responds to employee verbally. The decision will be confirmed in writing within 10 calendar days of the verbal decision.

If the matter is not resolved the employee(s) can appeal in writing within 15 calendar days of receipt of written decision of the outcome of the Level 2 Grievance Meeting



Level 3 – Appeal Hearing

Employee(s) writes to Director of Personnel and Development within 15 calendar days of receipt of written decision of the Level 2 Grievance meeting setting out reasons for appeal

The Appeals Panel will normally be arranged within 28 calendar days of the notification of appeal and the employee(s) will be given a minimum of 7 calendar days' notice of the Appeal Hearing date. The employee will receive written confirmation of the receipt of their grievance and arrangements for the Appeal Hearing.

Following the Appeal Hearing the Chair of the Appeal Panel writes to both parties within 10 calendar days with the final decision.