

GRIEVANCE POLICY AND PROCEDURE

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Ratified by	Trust Policy Board
Implementation Date	06.07.2016
Responsible Director	Director of Human Resources and Organisational Development
Review Date	31.12.2019
Related Policies & other documents	HR003 Organisational Change
Freedom of Information category	Policy

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1. DOCUMENT CONTROL SUMMARY

Document Title	Grievance Policy and Procedure
Document Purpose (executive brief)	To ensure staff grievances are dealt with quickly, reasonably and fairly
Status: - New / Update/ Review	Review
Areas affected by the policy	All staff
Policy originators/authors	Director of Human Resources & Organisational Development
Consultation and Communication with Stakeholders including public and patient group involvement	Consulted with Staff Side and management though the Trust Staff Partnership Forum.
Archiving Arrangements and register of documents	The Trust Policy Lead is responsible for the archiving of this policy and will hold archived copies on a central register
Equality Analysis (including Mental Capacity Act 2007)	See Appendix 3
Training Needs Analysis	See Section 7
Monitoring Compliance and Effectiveness	See Section 8
Meets national criteria with regard to	
NHSLA	Yes
NICE	Not applicable
NSF	Not applicable
Mental Health Act	Not applicable
CQC	Not applicable
Other	Not applicable
Further comments to be considered at the time of ratification for this policy (i.e. national policy, commissioning requirements, legislation)	Policy complies with current best practice
If this policy requires Trust Board ratification please provide specific details of requirements	Trust Policy Board

2. INTRODUCTION

The Grievance Procedure of Northamptonshire Healthcare NHS Foundation Trust (NHFT) applies to all staff employed under a contract of employment. Its purpose is to ensure that staff grievances are dealt with quickly, reasonably and fairly.

The Procedure is used principally for the resolution of differences between individual staff and NHFT. In certain circumstances, it will also be used to determine the resolution of collective grievances (see paragraphs 1.4 and 1.5 below). The Procedure may relate to the application or interpretation of:

- contracts of employment;
- local terms and conditions of employment;
- working practices.

This procedure does not apply to settling differences relating to any of the following:

- dismissal, disciplinary or capability matters
- Agenda for Change agreements
- statutory matters (e.g. Health & Safety legislation) or matters over which the Trust has no control
- policy issues negotiated through the Trust Staff Partnership Forum or the Joint Local Negotiating Committee
- organisational change agreed by the Trust (except where the changes affect terms and conditions of employment) or dictated by government or national policy
- conditions relating to the NHS Pension Scheme
- any attempt following the completion of this procedure to restart to same grievance. This would not apply where there had been a failure to implement agreed action to resolve the particular grievance.

The Trust is committed to treating people with dignity and respect in accordance with the Equality Act 2010 and Human Rights Act 1998. Throughout the production of this policy due regard has been given to the elimination of unlawful discrimination, harassment and victimisation (as cited in the Equality Act 2010).

3. PURPOSE

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The aim of the procedure is to provide a process for resolving grievances in a fair, equitable and efficient manner. Wherever possible, employees and managers should seek to resolve issues at the lowest level possible and as informally as possible, see 3.1. Mediation will be used in the appropriate circumstances, and with the agreement of all parties, to wherever possible resolve issues raised during the grievance process.

This policy has been written with a view to promoting fairness for all and avoiding any adverse impact it may have on any individual based on age, disability, gender, gender assignment, sexual orientation, religion or belief, ethnicity, marital status, pregnancy and maternity (Equality Act 2010).

In an organisation where managers have an open policy for communication and consultation problems and concerns are often raised and settled as a matter of course.

Employee should aim to settle most grievances informally with their line manager. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

4. DEFINITIONS

NHFT - Northamptonshire Healthcare NHS Foundation Trust

5. DUTIES

5.1 Management Responsibilities

Every manager has responsibility to:

- Be aware of the existence of the policy and the circumstances where it might apply
- To seek advice from HR when they think the policy needs to be invoked

5.2 Role of Human Resources

The HR department have a responsibility to ensure that the policy is followed fairly and consistently. Their duties will include:

- Advising managers on the application of the policy
- Ensuring the effective implementation of the policy

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- Reviewing and amending the policy in consultation with appropriate groups

6. PROCESS

6.1. Stages

There are three stages to the procedure:

- Informal
- Formal
- Appeal

6.2. Informal Stage

If an employee is aggrieved about a matter relating to their employment they should arrange a meeting to discuss their concerns initially and informally with their line manager as soon as possible (this may also take place during regular supervision or one to one meetings). The employee should aim to outline their grievance where possible in writing, including their expected outcome, even at the informal stage of the process if appropriate to do so. It can be beneficial for the manager and employee to understand the issue/s more clearly and can help aid the discussion.

If the matter is connected with the employee's line manager then they should arrange to meet with their line manager's manager or another member of the management team as appropriate.

The manager who has met with the employee should confirm the outcome of the discussion to the employee as quickly as possible and normally within 5 working days (Monday - Friday).

If an employee remains dissatisfied with the outcome of the informal stage they should submit their grievance in writing using the grievance form (appendix 1) to the appropriate managerial level within their department / directorate / locality within 5 working days.

6.3. Formal Stage

The completed grievance form (appendix 1) will form the basis of the subsequent meeting and any investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

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The manager in receipt of the written grievance will arrange a meeting with the employee to discuss and consider their grievance. The meeting should normally be held within 10 working days of the grievance being received.

At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the applicable manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the matter will be considered as closed.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are relevant to your grievance. Being focused on the key points will provide a clear terms of reference for any investigation and help clearly identify your points of grievance. This will help the effective handling of your complaint.

The manager who has met with the employee should confirm the outcome of the discussion to the employee as quickly as possible (normally within 5 working days).

If an employee remains dissatisfied with the outcome of the formal stage they should submit their grievance in writing using the grievance form (Appendix 1) to the appropriate managerial level, within their department / directorate / locality within 5 working days.

6.4. Final Stage

This is the final stage of the procedure and is effectively known as the "Appeal" Stage. You should clearly state the grounds of your appeal using appendix 1, ie the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate.

The line manager in receipt of the written grievance will arrange a meeting with the employee to discuss and consider their grievance. The meeting should normally be held within 10 working days of the grievance being received.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the applicable manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the matter will be considered as closed.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your grievance. Being focused on the key points will provide a clear terms of reference for any

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investigation and help clearly identify your points of grievance. This will help the effective handling of your complaint.

The manager who has met with the employee should confirm the outcome of the discussion to the employee as quickly as possible (normally within 5 working days).

6.5. Representation

At all stages of the formal procedure, a member of staff is entitled to be represented by a representative of a trade union/professional organisation or by a work place colleague.

6.6. HR Advice

All parties can take HR advice on the application of this procedure and managers should ensure that they are accompanied and advised at the formal / final stages by a HR Business Partner

6.7. Notes

Where necessary the Director of HR and OD will arrange for a final level grievance to be heard by a Board Director or Trust Board Panel not previously involved in the case. This is only likely to apply in relation to senior employees.

6.8. Status Quo

During the operation of this procedure, the 'status quo' will remain in place until the procedure has been exhausted (i.e. the procedures, policies, working practices, etc. which applied immediately prior to the formal submission of a grievance). Management reserves the right, however, to vary this provision where it is considered that the maintenance of the "status quo" might be detrimental to the health, safety and welfare of patients, staff or members of the public, or for some other substantial reason.

Only a Director may vary the 'status quo provision or in the case of a collective grievance the director of HR and OD or the Chief Executive.

7. COLLECTIVE GRIEVANCES

In cases of collective disputes it frequently will not be appropriate to utilise every stage of the procedure. Collective disputes should usually be raised with the director responsible for the group of staff in dispute. These grievances will, notwithstanding any informal discussions held to resolve the dispute, be heard at the Formal stage. If they are subsequently required to go to the Final stage they will be heard by a Trust Board Panel. The panel will normally comprise one executive director and two non-executive directors. However a panel can

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proceed with only two members where the availability of panel members is proving problematic.

Your grievance can be submitted on one document, but it must:

- identify you and each of your colleagues who wish to raise the grievance;
- identify any nominated trade union representative or colleague to represent you all;
- state that you have all voluntarily consented to use the collective grievance procedure; and
- confirm that you understand that the grievance will give each of you the right to one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.

If you and your colleagues are members of a trade union, your trade union representative(s) can (if you all wish him or her to do so) raise the grievance on your behalf. Alternatively, you and your colleagues should agree to nominate one of you to act on behalf of all of you. In the instance whereby the group of staff in dispute have membership of more than one trade union body, management will work collaboratively with the unions to agree a workable group of representatives to be involved.

If you or your colleagues wish to be represented by your trade union representatives on an individual basis, the organisation will arrange to hear your grievances under the organisation's normal grievance procedure.

A collective dispute may arise from circumstances beyond the direct control of the Trust, e.g. national action. In such circumstances the spirit and intention of this document is that staff organisations will co-operate with the Trust in establishing channels of consultation and negotiation and will co-operate in discussing and agreeing the maintenance of essential services.

Reference to, and/or the involvement of, an outside organisation (e.g. ACAS) may be arranged to assist with the resolution of collective disputes. It will be open to either party to propose such involvement which will only be contemplated when the stages in this Procedure have been exhausted.

8. MEDIATION

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

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9. TRAINING

9.1. MANDATORY TRAINING

There is no mandatory training associated with this policy.

9.2. SPECIFIC TRAINING NOT COVERED BY MANDATORY TRAINING

Not applicable to this document

10. MONITORING COMPLIANCE WITH THIS DOCUMENT

The table below outlines the Trust's monitoring arrangements for this document. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.

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Aspect of compliance or effectiveness being monitored	Method of monitoring	Individual responsible for the monitoring	Monitoring frequency	Group or committee who receive the findings or report	Group or committee or individual responsible for completing any actions
Duties	To be addressed by the monitoring activities below.				
All grievance cases are placed on the HR Database. The HR Database must be routinely maintained and monitored	Continual review of the HR Database	Senior HR Business Partner	Ongoing until each case is closed	Director of HR and the Deputy Director of HR	Senior HR Management Team
Where a lack of compliance is found, the identified group, committee or individual will identify required actions, allocate responsible leads, target completion dates and ensure an assurance report is represented showing how any gaps have been addressed.					

11. REFERENCES AND BIBLIOGRAPHY

There are no references or bibliography associated with this document

12. RELATED TRUST POLICY

- HR001 Disciplinary Policy and Procedure
- HR003 Organisational Change Policy
- HR016 Bullying and Harassment Policy and Procedure.

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APPENDIX 1 – GRIEVANCE SHEET SUBMISSION FORM

Purpose

To be used for the formal stages of the Grievance procedure. Reference should be made to the Trust’s Grievance Policy & procedure before completion of this form.

Outline of basis (background) of complaint
What has actually happened? (if applicable please include names and of those involved and the relevant dates and times of relevant incidents)
What do you believe should have happened?
What steps have you already taken to resolve the complaint informally?
Outcome sought from the formal stage of the grievance procedure
Signed..... Date..... Name(s), block capitals..... Department / Locality Name of representative and organisation.....

APPENDIX 2 – CONDUCT OF GRIEVANCE MEETINGS**Procedure at Meeting**

In most circumstances all parties involved in the grievance (other than witnesses) will be present throughout the proceedings with the aim of having an open and detailed discussion about the issues involved. Except in those circumstances where the manager hearing the grievance feels it more appropriate to meet with the parties separately.

At the meeting the following procedure shall be observed:

- The member of staff or their representative shall state his or her case explaining the basis for their grievance and may call witnesses.
- The chair of the meeting and their HR adviser present shall have the opportunity to ask questions throughout the meeting.
- The manager present shall have the opportunity to ask questions of the member of staff or their representative and any witnesses.
- The chair of the meeting will ask the line manager present to respond to the issues presented by the member of staff or their representative stating the rationale / circumstances behind the decision or actions taken.
- The member of staff or their representative shall have the opportunity to ask questions of the line manager.
- The chair of the meeting will summarise and ask both parties to confirm that the summary is accurate. The chair will confirm whether they will make a decision immediately following the meeting or whether they will need further time for consideration. If the latter is the case then the chair should indicate a date by which they will make a decision.
- All parties other than the chair and the HR Advisor will withdraw.
- The chair and the HR Advisor 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.

Note

- It should be noted that the chair may, at their discretion, adjourn the meeting at any stage, in order that further evidence may be produced, or for any other reason e.g. from a request from parties present.

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Post-Hearing

The chair to the meeting will in reconvening confirm who attended the meeting, their decision and the reasons for it. This will be confirmed in writing within 5 working days.

If the meeting was adjourned and the chair advised the member of staff of a date by which they would make a decision then that outcome should be communicated in writing to the member of staff by the date stated. If there is an unexpected delaying in confirming any outcome then the member and their representative will be advised of this.

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APPENDIX 3 – EQUALITY ANALYSIS REPORT

Equality Analysis Report									
Name of function:		Grievance Procedure							
Date:									
Assessing officers:		Nicola Morrison							
Description of policy including the aims and objectives of proposed: (service review/redesign, strategy, procedure, project, programme, budget, or work being undertaken):									
<p>The Grievance Procedure of Northamptonshire Healthcare NHS Foundation Trust (NHFT) applies to all staff employed under a contract of employment. Its purpose is to ensure that individual staff grievances are dealt with quickly, reasonably and as fairly as possible.</p> <p>There should be no adverse impact on any protected group. Managers will be trained and coached to investigate and manage grievances.</p>									
Evidence and Impact – provide details data community, service data, workforce information and data relating specific protected groups. Include details consultation and engagement with protected groups.									
Evidence base:									
<ul style="list-style-type: none"> NHFT Equality Information Report August 2012 Northampton County Council :Northamptonshire Results: 2011 Census Data Summary 									
	Corby	Daventry	East Northants	Kettering	Northampton	South Northants	Wellingborough	Northants	England
2001	53,400	72,100	76,600	82,200	194,200	79,400	72,500	630,400	49,449,700
2011	61,100	77,700	86,800	93,500	212,100	85,200	75,400	691,900	53,012,500
% rise	14.4%	7.8%	13.3%	13.7%	9.2%	7.3%	4.0%	9.8%	7.2%
<ul style="list-style-type: none"> Ethnicity: 85.7% (White) and 14.3% (BME)- 1.75% (dual heritage); 4.01% (Asian); 2.5%(Black including British, African and Caribbean) ; 0.85 % (Chinese) ; 6.05 % (white other EEA, polish, Gypsy & Traveller) Gender: 49.6% males; 50.4% females (including 1% transgender) Disabled people: 19% (including 3.5 % < aged under 18) Faith communities: 71% Christian; 29% minority faith: (includes Hindu, Muslim, Sikh, atheists, non-belief) Sexual orientation (gay, lesbian or bisexual): 5 - 7% (Stonewall estimate) 									
Service Information: provide any relevant service data or information to inform the Equality Analysis including service user feedback, external consultation and engagements or research.									

Equality Analysis Report	
Name of function:	Grievance Procedure
Date:	
Protected Groups (Equality Act 2010)	<p>STAGE 3: Consider the effect of our actions on people in terms of their protected status?</p> <p>The law requires us to take active steps to consider the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation. ▪ Advance equality of opportunity ▪ Foster good relations with people with and with protected characteristic <p>Identify the specific adverse impacts that may occur due to this policy, project or strategy on different groups of people. Provide an explanation for your given response.</p>
Age	Age related stereotyping or negative attitudes: In compliance with the Equality Act 2010 this policy will be applied equally to all members of staff and will not allow a person's age to impact on the fair and equal application of the policy.
Disability	<p>Communication will be key to ensure that individual's with a disability such as dyslexia, learning difficulties are able to access, understand and utilise the policy should it be necessary.</p> <p>Physical Disability: All venues used for meetings will be accessible to people with restricted mobility, those with limited ability to travel to locations across the county. Provision of hearing loops and other supportive aids will be provided as necessary.</p>
Gender (male, female and transsexual, inclu. Pregnancy and maternity)	Health related pregnancy issues and maternity needs, childcare arrangements, school day timings: In compliance with the Equality Act 2010, all issues relating to gender will be considered throughout the application of this policy to ensure it is applied fairly and equally to all staff.
Gender reassignment	Discrimination or disclosure of sensitive information: In compliance with the Equality Act 2010, all issues relating to gender reassignment will be considered throughout the application of this policy, to ensure that confidential/sensitive information is treated appropriately. No discrimination or stereotyping will be allowed to impact on the fair and equal treatment of all staff.
Sexual Orientation (incl. Marriage & civil partnerships)	Discrimination or disclosure of sensitive information: In compliance with the Equality Act 2010, all issues relating to sexual orientation will be considered throughout the application of this policy, to ensure that confidential/sensitive information is treated appropriately. No discrimination or stereotyping will be allowed to impact on the fair and equal treatment of all staff.
Race	Negative experiences of staff from BME communities: In compliance with the Equality Act 2010 this policy will be applied equally to all

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Equality Analysis Report			
Name of function:	Grievance Procedure		
Date:			
	members of staff and will not allow a person's race to impact on the fair and equal application of the policy.		
Religion or Belief (including non belief)	Religious observance – important religious activities and dietary requirements: Individual religious beliefs and activities will be respected. In compliance with the Equality Act 2010, all issues relating to religion or belief (including non belief) will be considered throughout the application of this policy to ensure it is applied fairly and equally to all staff.		
Equality Analysis outcome: Having considered the potential or actual effect of your project, policy etc, what changes will take place?			
New Grievance Procedure will be communicated within the Trust and made available on the HUB.			
Action Plan			
Issue to be addressed	Action	Who	Date to be completed
Communicate to Trust employees	e-Brief	WSC	December 2014
Monitoring compliance with the Equality Act 2010 in the application of the Policy	Each case will be overseen by an HR Business Partner who will ensure the policy is being applied fairly	Relevant HR Business Partner	Ongoing – on a case by case basis
Ratification – a completed copy of the Equality Analysis form must be sent to Equality and Inclusion Officer to be approved.			
Approving Officers			
Date of completion:			

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