

# SALISBURY NHS FOUNDATION TRUST

## Grievance Policy

### 1. Quick Reference Guide

- This policy and procedure applies to all employees engaged on a contract of employment including fixed-term contracts. It excludes Agency, contractor and volunteer colleagues.
- Matters which can be raised under the grievance procedure
- Resolving a grievance informally
- Raising a formal grievance
- Collective Grievances
- Appeals under the grievance procedure

### 2. Policy Introduction and Purpose

- Our ability to deliver an outstanding patient experience every time is reliant on positive employee relations which foster open dialogue with all our people.
- We seek to encourage the resolution of concerns regarding your employment with the Trust informally. However, we recognise that there may be occasions where you may wish to formally raise a concern and it is our desire that this is resolved swiftly through the Grievance Procedure.
- Your grievance will be considered on its merits with fairness, confidentiality, discretion and sensitivity whilst ensuring that we continue to meet service requirements which put our patients at the centre of what we do.

Version Information			
Version No.	Updated By	Updated On	Description of Changes
.	Jo Cherrett	27/07/2006	New policy
1.0	Jo Cherrett	08/06/2007	Minor changes to section 2.4
1.1	Jo Cherrett	24/10/2008	Review date extended to January 2012. No other changes.
1.2	Jo Cherrett	21/05/2010	Correct postcode in header table (Contact Details).
1.3	Bank HR Advisor	16/01/2013	Major update – policy has been rewritten
1.4	HR Advisor	01/11/2013	Change to section 10.1 changed to 14 workings days and change to section 10.2 outlining reasons for appeal and corrected word change to grievance.
1.5	HR Advisor	20/08/2015	Changes to section 10.1: removed the word 'Hearing' from the heading, added in 'For example' when it is felt that a grievance was raised maliciously, removal of appendix B and subsequent re-lettering of subsequent appendices, added in sentence regarding completion of relevant section of the grievance and disputes form once the decision has been made, addition of values and behaviour

			paragraph in section 1
1.6	HR Advisor	25/08/2017	No Changes - Due to undertaking a whole system review for our HR policies we would like to defer all outstanding review dates to February 2018 (June OMB)
1.7	HR Advisor	31/05/2018	“There are no material changes to employment legislation or practice that would make these policies invalid for the period requested, up to September 2018. Where other changes are necessary, we will amend them for presentation to the OMB in August for ratification / approval “ May 2018 OMB
1.8	OD and People Business Partners	13/06/18	Full Policy Review
1.9	Senior Business Partner Employee Relations	July 2022	OD&P Policy and Procedure review in new Template

### 3. Eligibility

This policy and procedure applies to all employees engaged on a contract of employment with us including fixed-term contracts. It excludes Agency, Bank, contractor and volunteer colleagues.

### 4. Scope

Grievances refer to concerns affecting you or a concern affecting more than one employee (a Collective Grievance) regarding your Terms and Conditions of Employment or other Trust policies and procedures. These include working conditions, pay and benefits, working hours working relationships, new working practices, working environment, organisational change, discrimination concerns about health and safety or a breach of statutory employment rights or any other issue affecting employment. This policy and procedure do not apply to the following:

- The content of nationally negotiated terms and conditions of service
- Legislative matters where the Trust has no jurisdiction
- Matters outside the Trust’s control as an employer, for example, income tax, national insurance, government policy.

Other concerns: such as clinical complaints; whistleblowing; bullying and harassment, dismissal disciplinary or performance matters should be raised under the relevant policy and procedure.

It is expected that grievances are raised within 3 months of the most recent incident and will not usually be heard outside this timescale.

If you are an NHS secondee into the Trust your grievance should be raised with your current Trust manager as well as your substantive manager.

## 5. Grievance Procedure

<b>Grievance Procedure</b>	
<b>Stage of the Procedure</b>	<b>Purpose of meeting</b>
<b>Informal</b>	
Used to raise your concerns or grievance informally for the first time with your manager. Your manager will discuss this with you.	<p>Your manager will discuss the concerns or grievance you have raised with you and will seek to resolve the matter informally wherever possible. This could include offering mediation to resolve conflict with colleagues.</p> <p>Where the matter cannot be resolved through the informal stage satisfactorily you may raise the grievance at Stage 1 or where the matter is more serious and requires a formal investigation your line manager will refer the grievance to Stage 1 of the formal grievance process</p>
<b>Stage of the Procedure</b>	<b>Purpose of meeting</b>
<b>Formal</b>	
<b>Stage 1</b>	
Used where the grievance has not been resolved at the informal stage, or where you do not believe the grievance can be resolved informally or where the matter is more serious Your manager or Head of Department will chair the meeting and may include a People Advisor and your workplace colleague or trade union, representative.	<p>You will be invited to a grievance meeting to discuss your grievance within 14 days of receipt of your written grievance</p> <p>Where it is identified that an investigation is required this should take place before the grievance meeting and therefore the grievance meeting may be extended beyond 14 days to allow completion of the investigation.</p> <p>Following the investigation and grievance meeting, the outcome of your grievance will be confirmed in writing to you within 5 days or an alternative confirmed date</p>

<b>Grievance Procedure</b>	
<b>Stage of the Procedure</b>	<b>Purpose of meeting</b>
<b>Formal</b>	<p>You may appeal the decision at Stage 1 in writing within 10 days of receipt of the outcome letter on the following grounds:</p> <ul style="list-style-type: none"> <li>• New evidence which was not available at the time of the Stage 1 meeting</li> <li>• If the Stage 1 outcome was inconsistent or unduly severe.</li> </ul> <p>If your appeal is accepted you will be invited to a grievance appeal meeting which should take place wherever possible within 14 days</p> <p>Following the meeting, the outcome of your grievance will be confirmed in writing to you within 5 days or an alternative confirmed date.</p>
<p style="text-align: center;"><b>Stage 2 – Appeal</b></p> <p>Used where you have not had a satisfactory response at Stage 1. An independent manager outside your department will chair the meeting and may include a People Advisor and your workplace colleague or trade union, representative.</p> <p>This is the final stage of the process</p>	
<p><b>Collective Grievance</b> Used where the grievance raised affects more than one employee.</p>	
<p style="text-align: center;"><b>Stage 1</b></p> <p>This meeting will be chaired by your Directorate manager/Senior Nurse and will include a People Advisor and the workplace colleague or trade union, representative who has raised the matter.</p>	<p>A collective grievance is usually raised by a trade union representative on behalf of employees. The trade union representative will be invited to attend a collective grievance meeting, wherever possible within 14 days of receipt of the grievance</p> <p>The purpose of the meeting is to discuss the matter and seek resolution together with agreeing principles of how this will be applied to affected employees.</p> <p>The outcome of the grievance will be confirmed to the trade union representative and then to the affected employees within 5 days or an alternative confirmed date</p>
<p style="text-align: center;"><b>Stage 2</b></p> <p>This meeting will be chaired by a senior manager or Non-Executive Director and will include a People Advisor and the workplace colleague or trade union, representative who has raised the matter.</p> <p>This is the final stage of the process</p>	<p><b>The trade union representative may appeal the Stage one outcome</b> within 10 days of receipt of the outcome of Stage 1. The grounds of appeal are identified above.</p> <p><b>An appeal meeting will be held wherever possible</b> within 14 days of receipt of the appeal and the outcome of the meeting will be communicated within 5 days or an alternative confirmed date</p>

## **5.1 Informal**

You will be able to resolve most concerns quickly and informally by speaking to your manager. If you do not feel able to speak to your manager, because the concern is them you should speak to your line manager's manager to resolve the matter.

### **Mediation**

Your manager may offer mediation as an option to resolve conflict between colleagues before issues escalate. It is entirely confidential and voluntary requiring agreement from all parties to participate in the process.

- communication problems
- personality clashes
- relationship breakdowns

If agreed, we will appoint an independent trained Trust Mediator, or in certain situations by ACAS to facilitate a resolution that all parties can agree upon. This service can be accessed by calling People Advisory on extn 5584.

Mediation may be used at any stage of the informal and formal grievance process and can be stopped at any stage, either during or at the end of mediation. Where there is no satisfactory resolution for all parties the grievance may be raised through the formal process.

## **5.2 Formal Grievance Procedure**

### **Investigations**

In certain situations, either before your formal grievance meeting or it may be agreed during your grievance meeting that an investigation is required. This will be conducted by the manager hearing your grievance which may require facts and information to be gathered regarding your grievance this may also include taking statements from you and other colleagues. Where investigations show that there is a case to answer under another procedure e.g., misconduct the relevant procedure may be invoked.

### **Representation**

You may, if you wish, be accompanied by a workplace colleague or trade union representative at the formal stages of the grievance procedure. If you choose to be accompanied, you should provide the manager hearing your grievance at least 24 hours advance notice with the name of the person and name of the trade union where relevant.

The manager hearing the grievance will seek to accommodate suitable times for all parties to attend the grievance meeting.

### **Stage 1 Grievance and Stage 2 Appeal**

The Grievance Procedure identifies the stages of the grievance procedure together with how each stage of your grievance can be progressed, who will hear your grievance or appeal and the timescales involved.

Where you have attempted to speak to your line manager, or you have not had a satisfactory resolution through the informal process you may wish to raise the matter at Stage 1 of the formal process and if appropriate then progress to Stage 2 Grievance Appeal.

In certain situations, where for example the grievance is of a more serious nature or where a formal investigation is required, your manager may recommend that the matter is dealt with through the formal process.

You should raise your grievance in writing clearly setting out the reasons for your grievance, why the outcome from the previous stage is not acceptable and the resolution you are seeking. You may wish to complete the Grievance Form, [Appendix A - Grievance Form](#), or alternatively set this out in writing to the appropriate manager.

Formal Grievance Invitation Letters can be found in [Appendix B - Stage 1 or Stage 2 Appeal Grievance Invitation Letter](#)

## **Collective Grievances**

These are the same concerns regarding matters identified in section 4 Scope, affecting more than one employee. The concerns are usually raised through the Trusts recognised trade union or could be raised through a workplace colleague. The process follows the same formal grievance process.

## **6 Guidance for People Managers – Managing Grievances**

### **6.1 Benefits**

Your role in dealing with concerns raised by employees is integral in helping us maintain positive employee relations with our people the benefits of managing employee concerns or grievances swiftly include:

- a motivated workforce who will deliver high-quality work
- a reduction in stress-related absence
- increased workforce efficiency and effectiveness reducing cost and increasing service for the Trust
- recommended legal compliance which reflects the ACAS Code of Practice 2015

For our people this can:

- improve their health and wellbeing
- improve employee engagement making the Trust an attractive career choice.

### **6.2 Your responsibilities as a manager**

As a manager you are responsible for developing an open and constructive environment where all our people feel able to raise concerns that affect them at work supporting them in resolving concerns contributes to achieving this objective. You should encourage open dialogue with an employee who wishes to raise a concern or grievance and you should support them in the process. Whilst you may not be hearing each stage of the grievance you should ensure that the case is progressed according to the procedure above and that timescales are met. You may also wish to check in with your employee regarding the process to ensure expectations regarding timescales and next steps are managed.

Your People Advisor will also advise you on whether mediation should be offered in particular cases and direct you to mediation resources.

Your People Advisor can also advise on the management of specific situations and they should be involved at the start of the formal Grievance process. They may also support you by attending formal grievance meetings with the appointed manager hearing the grievance.

Collective Grievances refer to a grievance that affects more than one employee the scope of the matters which can be raised are identified in Section 4 Scope. These are usually raised by a workplace representative or by a trade union representative on behalf of the group of employees affected. Provided all employees agree these can be managed together in one grievance/appeal meeting with the representative. For those employees who do not agree with one grievance meeting, separate grievance/appeal meetings would be required for these employees.




## 7 Monitoring Compliance and Effectiveness Of This Policy

This will be monitored by the OD& P Directorate. Our People managers and our people are responsible for the implementation of this policy and procedure.

## 8 Equality Impact Assessment

An Equality Impact Assessment has been completed and was presented to the ratifying committee at the time of approval

### APPENDICIES

Appendix	Description	File
A	Grievance Form	 Appendix A_Grievance Form.doc  <a href="https://mg.salisbury.nhs.uk/media/3542/appendix-a-grievance-form.docx">https://mg.salisbury.nhs.uk/media/3542/appendix-a-grievance-form.docx</a>
B	Stage 1/ Stage 2 Appeal Grievance Invitation Letter	 Appendix B - Stage1 or Stage 2 Appeal Gri  <a href="https://mg.salisbury.nhs.uk/media/3543/appendix-b-stage1-or-stage-2-appeal-grievance-invitation-letter.doc">https://mg.salisbury.nhs.uk/media/3543/appendix-b-stage1-or-stage-2-appeal-grievance-invitation-letter.doc</a>
C	Grievance Flowchart	 Appendix C_Grievance Flowchar

<b>Post Holder/Author Responsible for Policy:</b>	Senior Business Partner Employee Relations
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<b>Ratified by:</b>	OMB June 2022
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