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Grievance Policy and Procedure

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Summary	This document sets out the policy by which all grievances in the organisation		
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V5		Archived.	ADHR
V6.0	March 2019	Whole policy review.	HR Manger
Reference Documents		Electronic Locations (Controlled Copy)	Location for Hard Copies
Equality Act 2010. Health & Social Care Act 2012. Data Protection Act 2018. PC24 Equality and Health Inequalities Analysis Guidance Notes. PC24 Equality and Health Inequalities Screening Tool. Privacy Impact Assessment Compliance Checklist		Primary Care 24 Intranet/Policy Documents & Guidance/Governance & Risk/	Policy File, Wavertree Headquarters
Consultation: Committees / Groups / Individual			Date
Staff Consultative Committee			August 2018
Executive Team			March 19
Quality & Workforce Committee			20 March 2019

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1. PURPOSE

- i. Primary Care 24 recognises that from time to time employees may have problems or concerns about their work, working environment or relationships with colleagues that they wish to raise and successfully resolve. The purpose of this grievance policy is to provide Primary Care 24 with a robust mechanism for dealing with these issues quickly, consistently and fairly.
- ii. It is the responsibility of all employees, including managers, to promote and develop a positive and supportive working environment.
- iii. Everything reasonable and possible should be done by both managers and employees to create and maintain harmonious and good working relationships. Where an individual grievance or dispute does arise, it should be settled promptly, fairly and as close to the source of the dispute as possible.
- iv. This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. SCOPE

- i. This policy applies to all employees of the organisation, including those employed on temporary, fixed term, locum or honorary contracts..
- ii. Grievances may not be submitted in relation to disciplinary sanctions as the right of appeal is included within the Disciplinary Policy.
- iii. If the grievance relates to bullying and/or harassment the Dignity at Work Policy should be referred to for guidance and advice on how to deal with this particular type of grievance.
- iv. Grievances that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure.
- v. Employees might raise issues about matters not entirely within the control of the organisation, such as customer or contractor relationships (for instance where an employee is working on another site). These should be treated in the same way as grievances within the organisation, with the manager investigating as far as possible and taking action if required. The organisation will make it very clear to any third party that grievances are taken very seriously and action will be taken to protect its employees.
- vi. We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Procedure.

- vii. If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with [your line manager] OR [POSITION] as soon as possible.
- viii. Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. [These will be processed in accordance with our Data Protection Policy.]

3. HUMAN RESOURCES

3.1 Associate Director of Human Resources and Organisational Development

- i. The ADHR is responsible for ensuring that an appropriate Grievance policy and procedure is in place, which promotes good employment relations.
- ii. The ADHR is responsible for ensuring that managers are supported in the implementation of the policy and procedure and that it is reviewed regularly.

3.2 Managers

- i. Managers must ensure that all grievances are fully and fairly investigated prior to a decision being reached, and that they are dealt with as quickly as is reasonably practical. They must ensure that the process set out in this document is followed, and the specified timescales complied with where possible. Where this isn't possible, the manager must advise of expected timescales.
- 1. They must also ensure that formal grievance meetings and appeals are conducted in a way which gives the employee every opportunity to explain their grievance and identify the remedy being sought. Following the formal meeting, they must also ensure that the employee who has submitted the grievance is provided with a written response within five working days.

3.3 All Staff

- i. All employees should attempt to resolve any concern they have informally in the first instance.
- ii. Where they decide to submit a formal grievance, they should:

Submit the grievance using the Grievance Submission Form

Identify on that form the remedy/action they are seeking to resolve the grievance

Take any reasonable steps to attend any formal meeting or appeal when arranged

Where a grievance has been raised, all parties are required to adhere to/abide by the policy.

3.4 Human Resources Responsibilities

- i. The Human Resources Department is responsible for supporting managers as required in the application of this procedure.
- ii. They must ensure that training is provided for managers to enable them to deal with grievances in an appropriate manner, in accordance with this procedure.

4. DEFINITIONS

- i. **Grievances** are complaints, problems or concerns that employees raise with their employer in connections with actions (either taken or proposed) that affect the employee detrimentally.
- ii. Issues that may give rise to grievances include (but are not limited to):
 - 1. terms and conditions of employment (and the way they are applied)
 - 2. relationships at work
 - 3. new working practices
 - 4. the working environment
 - 5. health & safety
 - 6. discrimination
- iii. A grievance can cover issues relating to the treatment of an individual within the organisation, or any environment where work related activities take place, including social gatherings.
- iv. Where the grievance is about the individuals' the line manager, then the employee should raise the matter with their next level of management.

5. POLICY PROCEDURES

5.1 Informal Stage

- i. Many issues or concerns can be raised and dealt with during the course of everyday working relationships. Employees are therefore encouraged to address grievances informally in the first instance, with their supervisor or line manager. It is in everyone's interest to resolve problems in this way before they can develop into major difficulties.
- ii. If it is not possible to resolve a grievance informally, the employee should raise the matter formally, without unreasonable delay, by completing a Grievance Submission Form and submitting it to the next level of management within their Division (Human Resources can be contacted for advice on this). This manager may conduct the formal process themselves or delegate it to a manager in another area if appropriate.

- iii. A flowchart illustrating the procedure for handling grievances is included as in section 5.12.

5.2 Formal Stage

- When completing the Grievance Submission Form, employees should ensure that they include:
 - a. the exact nature of their grievance, giving as much detail as possible
 - b. details of any steps they have taken to resolve the matter informally
 - c. the actions/outcome they are seeking to resolve the matter
- The manager dealing with the grievance will acknowledge receipt in writing within two working days of receiving the completed Grievance Submission Form.
- They will then offer a meeting with both parties within five working days of receiving the completed Grievance Submission Form (this timeframe can be extended by mutual agreement). At this meeting, the manager will be supported by a member of the Human Resources Team. The individual has the right to be represented by a recognised staff council member, workplace colleague or Trade Union representative as does the person about whom the grievance has been made (where this is a manager they would usually be accompanied by Human Resources representative).
- Prior to the grievance meeting, the manager should gather any relevant information and documentation.
- The grievance meeting is a chance for the individual to explain their grievance to the manager who has been assigned to deal with it, and provide any further details or information that the manager may need. It is also the chance for the person about whom the grievance has been made to put forward their response to the grievance.
- Where it is felt that both parties cannot meet face to face or that this would be counter-productive, consideration will be given to meeting each party separately.

5.3 Investigation

- i. It may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary with case to case. It may involve interviewing and taking statements from you and any witness, and/or reviewing relevant documents. The investigation may be carried out by your line manager or another independent manager.
- ii. You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

- iii. We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.
- Following the grievance meeting the manager dealing with the grievance should collect and consider any further documentation and evidence that may be relevant. This may include questioning any other staff relevant to the subject of the grievance.
- Once all the relevant information has been considered, the manager must then confirm their decision in writing to the employee who has submitted the grievance within ten working days of the grievance meeting, advising them of their right to appeal the decision if they so wish. The manager should also complete the Grievance Monitoring Form and return it to the Human Resources Department.

5.4 Appeals

- i. If the employee is unhappy with the decision, they can submit an appeal. They should do so in writing to the Associate Director of Human Resources within ten working days of the date of the outcome letter. This must include the details of the grounds of the appeal and the remedy being sought.
- ii. The grievance will be referred to a Grievance Appeal Panel, and should be heard in a timely manner. The Panel will comprise of a Senior Manager (usually the immediate manager of the manager who made the original decision), and a member of the Human Resources Department not involved with the original decision. Any manager who has previously been involved in the particular grievance should not be included. The appeal is against the decision of the manager but is not a re-hearing of the grievance. New evidence should not be presented as part of the appeal
- iii. The employee will be invited to attend the appeal and will be reminded of their right to be accompanied by a workplace colleague or staff council member or Trade Union Representative. The employee must also be informed that the formal appeal meeting is the final stage of the grievance procedure.
- iv. Both parties should submit a written statement of case to the Human Resources Department no later than ten working days before the appeal hearing date. This should include an indication of any witnesses they intend to call in support of their case. Once both documents have been received, they will be copied to all parties.
- v. The procedure to be followed at the Grievance Appeal is as follows:
 - The chair of the appeal panel will facilitate introductions, and then outline the procedure to be followed.

- The employee/representative shall provide an overview of their grievance and the reasons for their appeal, and may call witnesses, if applicable.
- The manager and the members of the panel shall have the opportunity to ask questions of the employee and witnesses, if applicable.
- The manager shall provide their response, including the reasons for their original decision, and may call witnesses if applicable.
- The employee/representative and the members of the panel shall have the opportunity to ask questions of the manager and witnesses, if applicable.
- The manager and then the employee/representative shall have the opportunity to sum up their case if they so wish. In the summing-up, neither party may introduce any new matter.
- The panel may, at its discretion, adjourn the appeal in order that further evidence may be obtained.
- Following completion of the submission of all evidence and summing-up, the employee, their representative, and the manager shall withdraw.
- The panel and the HR representative 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 even where only one party is concerned with the point in question.
- A decision will normally be announced immediately following the hearing. If this is not possible, the Chair of the Appeal Panel will advise both parties of the decision as soon as is practically possible in writing.
- The Chair of the Appeal Panel shall write to the employee within five working days of the appeal hearing to confirm the panel's decision. They should also complete the Grievance Monitoring Form and return it to the Human Resources Department.
- This concludes the Grievance Process.

5.5 Time Limits

Grievances should be submitted within 3 months of the occurrence they relate to, unless there are exceptional circumstances that prevented the grievance being submitted in a timely manner.

5.6 Overlapping Grievance and Disciplinary Cases

- i. In certain circumstances the complaint may need to be managed via a different organisational policy, for example the Dignity at Work or Disciplinary policy. If at

any stage following investigation the grievance appears to justify disciplinary action then the grievance procedure should be halted and the disciplinary process implemented. This can be done at any stage including within the formal stage.

- ii. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it will usually be appropriate to deal with both issues concurrently as part of the disciplinary process.

5.7 Mediation

Where grievances are concerned with interpersonal relationships, external mediation may be a course of action that could be explored. The Human Resources Department will be able to make the necessary recommendations and arrangements for this.

5.8 Collective Grievance

Where a grievance is submitted by a group of staff, they should select one member of staff to represent them at meetings (either informal, formal or at appeal).

5.9 Mischievous or Malicious Grievances

If a grievance is found to be vexatious or malicious, this may result in disciplinary action being taken.

5.10 Grievance Procedure Flowchart



6. KEY REFERENCES

- i. Employment Rights Act 1996
- ii. Disciplinary and Grievance Procedures, Code of Practice, ACAS, 2009
- iii. Disciplinary and Grievances at Work, The ACAS Guide, ACAS, 2011
- iv. Employment Act 2009

7. RELATED POLICIES

- i. Disciplinary Policy (PC24POL14)
- ii. Dignity at Work Policy (PC24POL118)
- iii. Equality and Diversity Policy (PC24POL119)
- iv. Capability Policy (PC24POL37)
- v. Attendance Management Policy (PC24POL38)
- vi. Whistleblowing Policy (PC24POL102)

8. COMPLIANCE

An annual report will be submitted to the Quality and Workforce committee to provide assurance that this policy is being applied consistently and fairly.

9. TRAINING NEEDS ANALYSIS

The organisation, led by the Human Resources Department, will ensure that all staff members involved in any stage of the Disciplinary process will be appropriately trained and briefed in their role to ensure that all matters are dealt with fairly and consistently.