

# THE LEEDS TEACHING HOSPITALS NHS TRUST

## GRIEVANCE POLICY (Individual or Group)

### 1. INTRODUCTION

The Trust recognises that from time to time employees may wish to seek redress for grievances relating to their employment and has formulated this policy, following consultation with management and staff side. In this respect, the Trust's policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

### 2. POLICY STATEMENT

The aim of the policy is to arrive at a mutually satisfactory solution of the grievance as quickly and as near to the source of the problem as possible. It is only if the issue/s cannot be resolved through local discussion can it then proceed to the formal procedure.

This policy covers individual and group grievance/s.

The Trust supports the right of staff to pursue a legitimate grievance but the raising of false or malicious grievances will also be taken seriously and may result in disciplinary action in accordance with the Trust's Conduct and Disciplinary Policy

### 3. POLICY EFFECT

If the Grievance relates to National Agreements or other areas of financial management and staffing, it is deemed not to be an issue that can be resolved using this policy. This policy covers issues such as health and safety, terms and conditions of employment, organisational change and equal opportunities. It may be appropriate to raise other concerns under the Trust's Hearing Staff Concerns Policy. There is also a separate policy for dealing with complaints regarding Bullying and Harassment.

### RESPONSIBILITIES

#### MANAGER/S:

Managers who receive a grievance will:

- Adhere to the timescale or agree with the employee/s an extension or it may escalate to the next level of management
- Appoint an independent investigating officer if the grievance needs investigating before a resolution can be sought.

- Maintain open communication and confidentiality with all parties at all times throughout the progress
- Ensure all relevant information is exchanged between all parties no later than five working days prior to a formal grievance hearing.
- Complete the grievance report form and write to employee/s outlining the outcome of the grievance hearing including rationale for decision at each stage
- Follow up any actions to ensure compliance with agreed resolution
- Ensure all discussions are documented and any evidence retained

### **EMPLOYEE/S:**

Before employees raise a grievance, they will:

- Attempt to resolve any concerns informally in discussion with the relevant line manager
- Ensure they have a full understanding of the facts of the situation and how they must communicate the grievance
- Think about how the grievance could be resolved, i.e. what outcome they are seeking
- Ensure they seek advice from a TU representative or Staff Side Organisation if appropriate at the earliest opportunity.
- Understand the consequences if the grievance is not substantiated or held to be false/malicious.
- Ensure all relevant information is exchanged between all parties no later than five working days prior to a formal grievance hearing. This includes a full statement of case for the grievance

### **STAFF SIDE REPRESENTATIVES**

In advising and supporting members, staff representatives will:

- Ensure that the aggrieved parties have attempted to resolve the matter informally.
- Ensure they have a full understanding of the facts of the situation and how they will take these forward on behalf of their members.
- Advise their member/s on process to be followed including timescales
- Be prepared to identify resolution sought by their member/s

- Advise their member/s on the consequences if the grievance is not substantiated or held to be false/malicious.
- Ensure all relevant information/documentation is exchanged between all parties no later than five working days prior to a formal grievance hearing
- Be prepared to negotiate extensions to timescales if necessary

#### **4. CONFIDENTIALITY**

Throughout the grievance process, confidentiality is maintained with only those people directly involved in raising, investigating /and or finding a solution to the grievance having access to the information.

#### **5. REPRESENTATION**

It is important that those involved in the grievance procedure have access to objective advice, based on knowledge and experience of Trust Policies and Procedures.

Managers and employees are encouraged to seek advice from the HR Department. Employees have the right, and should be encouraged to be represented at any stage of the procedure by an accredited staff representative (including a full time official of a staff organisation) or a work colleague. A HR representative should be present at each stage of the formal procedure and may be involved where an employee chooses to be accompanied at the informal stage.

This procedure is based on the principles of a partnership approach to problem solving and therefore, neither managers nor employees may be legally represented at any stage of the procedure.

In exceptional circumstances e.g. where the grievance is felt to be malicious or there is no substance to it, staff side representatives may offer other resolutions to resolve the matter or withdraw their support.

## 6. TIME LIMITS:

Time limits set out in this procedure (Appendix 1) should be seen as a maximum limit and all parties will make every reasonable effort to resolve issues at the earliest possible opportunity. These time limits are based on a seven-day week excluding public holidays and may only be varied by mutual agreement, the details of which will be confirmed in writing.

Failure to adhere to the agreed time limit by either party, without good cause, unless there are exceptional circumstances e.g. extended annual leave, may result in a decision to take the grievance to the next stage of the procedure.

It is the responsibility of all parties to ensure that they are aware of any time limits applying to procedures.

## 7. EQUALITY AND DIVERSITY STATEMENT

The Leeds Teaching Hospitals NHS Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This policy has been screened for differential impact on different demographic groups (race, religion, age, disability, gender and sexual orientation).

## 8. REFERENCES

Trust's Conduct and Disciplinary Policy  
The Hearing Staff Concerns policy  
Trust's Appeal Process  
Harassment and Bullying Policy

## 9. CONSULTATION

Through the management structure and staff side council.

Policy Title	Grievance Policy (Individual and Group)
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## Procedure

### 1. Informal approach

Since most work-related grievances can be settled in conversation between member/s of staff and their line manager, employees are encouraged to resolve any problem by seeing their immediate supervisor/line manager. An earnest effort must be made to resolve issues as promptly as possible. If the grievance relates specifically to the line manager – rather than his/her actions or decisions, the matter may be referred to the next level of management.

Only if the matter is not resolved between them should the formal grievance procedure be used.

The manager should seek to establish the relevant facts and respond to the employee/s within 15 days. If the grievance is upheld, the parties should discuss options for resolving the situation and make a note of any agreement and confirm this in writing. This should be followed up within an agreed timescale to ensure the actions are still in place. If the grievance is not upheld, the manager should record his/her own reasons for so doing on the grievance report form (appendix 2) which will be used in any future proceedings and also confirm in writing the rationale for his/her decision.

If the employee/s is not satisfied by the outcome of the informal approach the matter should be referred to the formal procedure, within 15 days of receiving the verbal decision of the line manager, using the grievance report form and explaining the reasons why they are not satisfied and what resolution they seek.

**Every effort must be made and demonstrated at this stage to ensure that all alternatives have been explored to resolve the grievance**

### 2. Formal approach

No grievance will be considered in the formal procedure unless it is submitted on the grievance report form. If necessary, for example in the case of an individual with a visual impairment, the HR department, trade union, or staff organisation can offer assistance in completing the form. In order to comply with the requirements of the Employment Act 2003 (Disputes Resolution) Regulations 2004 there will be circumstances where a grievance is raised by other methods e.g. letter of complaint or in a resignation letter and these must also follow the Trust's formal procedure.

In the formal procedure, references to employees and managers should be taken to include their representatives and invite letter should reflect this.

Hearings will be conducted in accordance with the attached guidance (appendix 3). If the employee/s is not satisfied with the outcome of the hearing at any stage, (excluding Trust Board appeal) he/she/they may refer the matter to the next stage, using the grievance form outlining the reasons and what resolution is sought. Such reference must be made within 15 days of receiving the decision.

Either party may seek to resolve the grievance through the Trust's mediation facility at any stage prior to the conclusion of a Trust Board Appeal. If reference to mediation is jointly agreed it will be within an agreed timescale and the formal procedure will be suspended pending the outcome

### **Stage 1**

Stage one of the formal grievance procedure will normally be heard by the line manager of the person making the decision at the informal stage. This is subject to an expectation that the manager hearing the grievance will have the authority to resolve it. Meetings at this stage should be convened within 15 days of receipt of the grievance form. All parties should exchange a clear statement of case five working days prior to the grievance hearing. The grievance report form must be completed at the conclusion of each stage including confirmation in writing outlining the outcome and the rationale for the decision

### **Stage 2**

Stage two of the formal grievance procedure will normally be heard by the line manager of the person making the decision at stage one. This is subject to an expectation that the manager hearing the grievance will have the authority to resolve it. Meetings at stage two should be convened within 15 days of receipt of the grievance form. All parties should exchange a clear statement of case five working days prior to the grievance hearing. The grievance report form must be completed at the conclusion of each stage including confirmation in writing outlining the outcome and the rationale for the decision

If there is a failure to agree at stage two the parties may, by mutual agreement, seek the advice or assistance of appropriate external organisations. Examples include ACAS and Full time Officials of the staff organisations. Options to be explored, within a jointly agreed timescale, include conciliation and arbitration

### **Stage 3**

Meetings at stage three will be heard before an appeal panel of the Trust Board, constituted in accordance with the Trust Appeals Procedure. Meetings at this stage will normally be convened within 42 days of receipt of the grievance form. The decision of the Trust Appeal Panel will be final. All parties will be expected to exchange a statement of case 14 days prior to the appeal hearing. Please refer to the Trust's appeal process.

### **Intervention and settlement**

The Chief Executive or nominee may intervene at any stage in the procedure prior to the decision of a Trust Appeal Panel, with a view to effecting a settlement of the grievance.

The resolution to any grievance shall, where practicable, be taken to apply for the date that the grievance was referred to the formal procedure.

## **Status Quo**

The status quo (i.e. the working and managerial arrangements which applied before the grievance) should operate until the grievance procedure has been exhausted. In exceptional circumstances (e.g. where services to patients might be adversely affected) management will retain the right to waive the 'Status Quo' and, as such, the acceptance of any changed working arrangement will be on a without prejudice basis until the grievance is resolved. The rationale for this decision must be recorded by the manager making the decision

### INDIVIDUAL/GROUP GRIEVANCE REPORT FORM

Name of Employee	Job Title	Department	Grade
1. Grievance – Individual/Group * (delete as appropriate)			
Nature of Grievance (To be completed by employee/s)			
2. What resolution do you seek:			
Signature of employee/s:		Date submitted:	
		Date received by line manager:	







NB: This form must be used for all formal grievances. In order to comply with the requirements of the Employment Act 2003 (Disputes Resolution) Regulations 2004 there will be circumstances where a grievance is raised by other methods e.g. letter of complaint or in a resignation letter and these must also follow the Trust's formal procedure. Please use additional sheets as required. A copy should be retained by the manager and staff representative.

Assistance in completing the form, if required, can be obtained from HR Department or your representative.



## GUIDANCE TO BE FOLLOWED AT GRIEVANCE HEARINGS

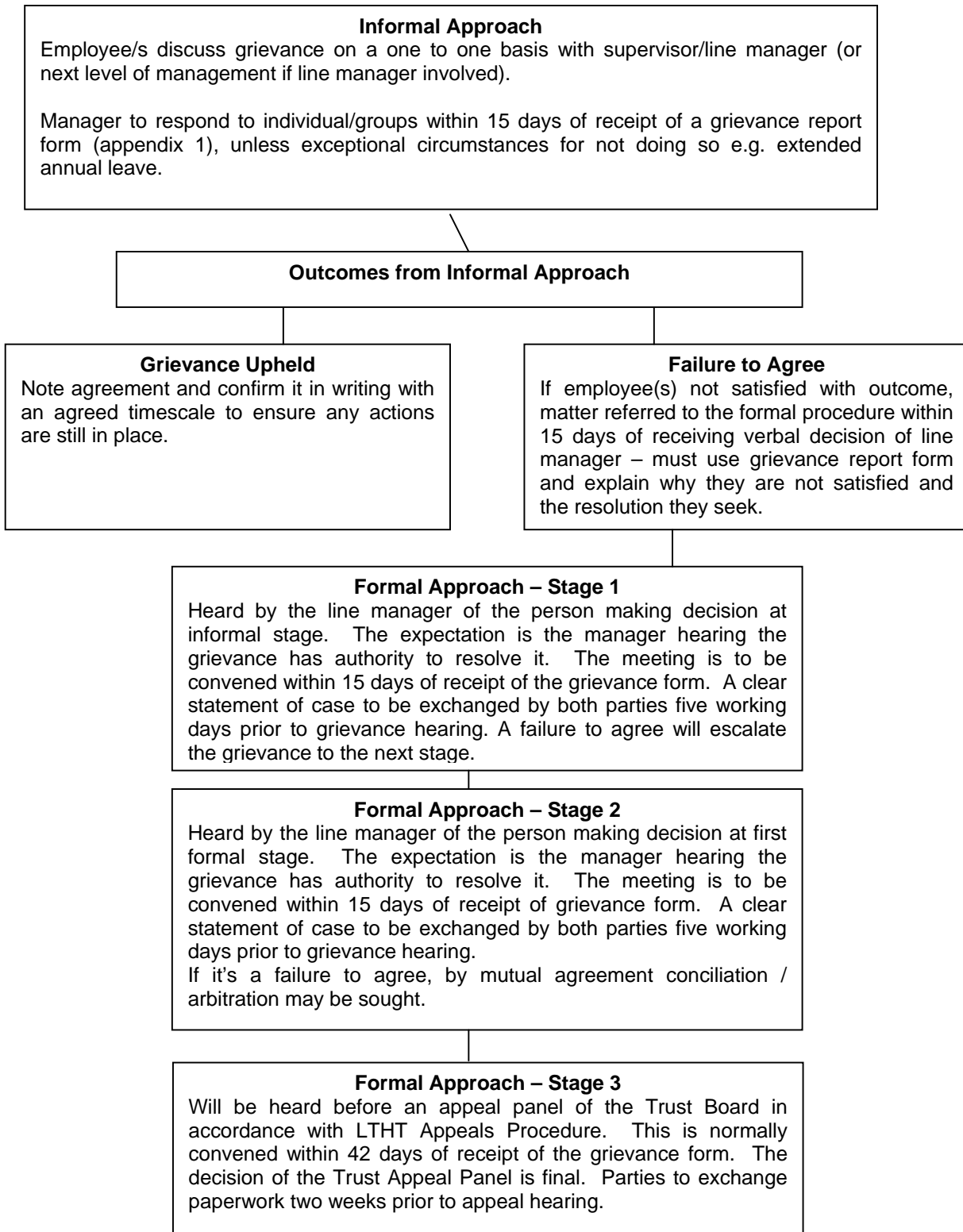
1. This is the guidance to be adopted at grievance hearings, with the exception of Stage 3 (Trust Board Appeal) which will be subject to the Trust Board Appeal Procedure. References to employees and the line manager within the procedure shall be taken to include their representatives
2. The manager hearing the grievance will chair the meeting and will normally be supported by a HR representative. The manager will introduce the parties and will ensure that they have a copy of any relevant documents. The hearing should, as far as possible, be conducted in a structured but informal manner.
3. The employees and the line manager will be responsible for arranging their own witnesses to attend any hearing. Appropriate facilities, including time off for representatives and witnesses, should be requested from the appropriate line manager in advance giving five working days notice. This request will not be unreasonably withheld and if necessary advice should be sought from the Head of HR.
4. The order of the proceedings will be as follows:
  - The employees will be invited to state their case and to call any witnesses
  - The line manager will be invited to ask questions of each witness as they are called.
  - The chair may ask questions of each witness as they are called. The HR representative may also ask questions for clarification
  - The employees may re-examine each witness on any matter raised in questioning by the line manager or the chair
  - At the conclusion of the presentation, the line manager and the chair may ask questions of the employees.
  - The line manager will be invited to state his or her case and to call any witnesses
  - The employees will be invited to ask questions of each witness as they are called
  - The chair may ask questions of each witness as they are called. The HR representative may also ask questions for clarification
  - The line manager may re-examine each witness on any matter raised in questioning by the employee or the chair
  - At the conclusion of the presentation, the employees and the chair may ask questions of the line manager
  - The chair should ensure that each of the parties have had every reasonable opportunity to present their case before inviting them to sum up
  - The line manager and the employees will be invited to sum up their case if they wish, beginning with the line manager. In their summing up, neither party may introduce any new matters.

5. The meeting will adjourn for the chair to consider the evidence presented and to reach a decision. The decision of the chair will be presented to the parties as soon as possible after the conclusion of the hearing, and in any event 24 hours of it, and recorded on the grievance form. The grievance form will be signed by the employee's representative and the manager to confirm the accuracy of the recorded outcome.

Should any stages of the grievance procedure be adjourned for further information to be gathered, then this has to be recorded on the grievance report form and a reconvened date should be arranged within 15 working days.

## INDIVIDUAL AND GROUP GRIEVANCE POLICY FLOWCHART

Appendix 4



Enquiries to:

Direct Line: (0113)

Our Ref:

Your Ref:

Date: 2006

**Private & Confidential**

Name

Address

Dear,

**Re: Invite to Grievance Hearing Stage 1, 2 (delete as appropriate)**

I am writing to confirm receipt of your grievance report form confirming you wish to pursue your grievance to the next stage following the outcome at the informal meeting/stage 1. *(delete as appropriate)*

A meeting will be held under stage 1/stage 2 *(delete as appropriate)* on (date), in (venue) at (time). The meeting will be held in the presence of (name and job title of panel members). You are entitled to bring with you a representative of your Trade Union of Professional Association, or a work colleague.

As detailed in the Grievance Policy, statements of case should be simultaneously exchanged no later than 5 days before the grievance hearing. It would be appreciated if you could forward your statement of case for exchange to (name) by (date).

If you have any queries regarding this matter then please do not hesitate to contact me.

Yours sincerely

(Name)

(Title)

Enquiries to:

Direct Line: (0113)

Our Ref:

Your Ref:

**Private & Confidential**

Name

Address

Dear,

**Re: Grievance Hearing Stage 1, 2 (delete as appropriate)**

I am writing to confirm the outcome of the grievance hearing held on (date) under the Trust's Grievance Policy. Present were (names), (titles) and (name), (title), presented the management case. You were accompanied by (name).

Having listened to the evidence presented and considering all the facts, it was agreed that the following actions will be undertaken:

(actions/ timescales and by whom)

**If the above actions are not undertaken then you have the right to invoke the original grievance and take it to the next stage.**

If you have any queries regarding this matter then please do not hesitate to contact me.

Yours sincerely

(Name)

(Title)