



Grievance

Policy and Procedure

Notice to employees using a paper copy of this policy
The company Policies folder on the shared drive holds the most recent version of this document and all employees must ensure that they are using the most recent guidance.

Title	Grievance policy
Policy Reference Number	
Rights of Access	Public
Type of Document	Policy
Links to CQC regulation	19
Format	Word document
Subject	Grievance policy
Document Purpose and Description	This Policy sets out Libertatem Healthcare Group's Grievance Policy and Procedure for the management of grievances that may arise and sets out the process by which they should be resolved.
Author	Karen Hodgkinson
Approval Group	Board of Directors
Approval Date	27 th December 2017
Publication Date	27 th December 2017
Review Date and Frequency of Review	This policy will be reviewed every three years or before if there are legislation changes
Disposal Date	The Board of Directors will retain a copy for the archive; all other copies currently in use must be destroyed when replaced by a new version or if the policy is withdrawn from circulation.
Job Title of Person Responsible for Review	Clinical Director
Target Audience	This policy applies to all staff employed by Libertatem Healthcare Group
Circulation List	Electronic- Document will be saving to the Company Policies folder on the shared drive. An Alert will be emailed to all employees to make them aware that this policy has been uploaded.
Consultation Process	Board of Directors
References/Source	Legislation Data Protection Act 1998, Equality Act (2010), Health and Social Care Act (2012), Health and Social Care (Safety and Quality Act) 2015, Human Rights Act 1998 Publications ACAS Guide to Disciplinary and Grievances at Work Guidance for Providers on meeting the Regulations 2015

Document Review History

Version No.	Type of Change	Date	Initiator of Change	Description of Change
V1.0	New document	21.12.2017	KH	

Contents

Introduction

This document sets out Libertatem Healthcare Groups process for dealing with individual and collective grievances. It is drafted to comply with current statutory requirements and ACAS guidance. It applies to all employees and is intended to provide a fair and transparent means of dealing with grievances.

Definition

As defined in the ACAS Code of Practice (2009) grievances are concerns, problems or complaints that employees raise with their employers. Examples of these are:

- Terms and conditions of employment
- Health and Safety
- New working practices
- Organisational changes

These are examples and not an exhaustive list.

Aims & Objectives

The company's aim is to resolve grievances as close to their source as possible recognising that early resolution is more likely to provide a long term solution. The company fully recognises the right of employees to raise a formal grievance in respect of such issues if those issues cannot be resolved informally.

It is the company's intention that employees should feel encouraged to bring legitimate grievances to the attention of management. However if, through investigation, the allegations are found to be deliberately malicious or vexatious, disciplinary action may be instigated.

Issues not covered under this policy.

There will be occasions where the company cannot apply this policy such as;

- Interpretation of employment legislation;
- Disputes between colleagues which should be raised with the appropriate manager in the first instance;
- Conduct matters which should be addressed through the Disciplinary Policy and Procedure;
- Challenging the outcome of a formal Disciplinary decision which should be addressed through appeal as detailed in the Disciplinary Policy and Procedure;
- Complaints of harassment or bullying which should be dealt with under the Bullying and Harassment Policy;
- Other issues which may be covered under the Whistleblowing Policy.

Responsibilities

Managers will:

- respond to all grievances promptly;
- consider grievances with an open mind at both the informal and formal stages;
- respond to them objectively and sensitively;
- resolve them where possible at the informal stage;
- demonstrate what informal measures have been considered to resolve the grievance before the formal stage is initiated;
- ensure appropriate documentation is completed at each stage of the process and stored in line with agreed data protection guidance.

Pursuing the formal route should be the last resort rather than the first option.

Employees will:

- Where they are a member of a trade union member seek advice from the union to discuss their grievance and arrange representation at any subsequent formal meetings;
- Raise their concerns promptly;
- Raise a grievance informally with their immediate line manager or another manager, if the line manager is not the most appropriate person to approach, in the first instance, making it clear that they wish to raise a grievance under this procedure;
- Complete the grievance form (Appendix 1) with their line manager or another manager as appropriate at the informal stage.

N.B. where the grievance is collective, please refer to Appendix 2 for the grievance form.

Right to Escalate

The aggrieved person has the right to escalate the grievance to the formal process if the informal outcome has not been satisfactory.

EMPLOYEE REPRESENTATION

An employee has the right to be represented, if they wish, at any formal stage of the proceedings by either recognised trade union representative or a Libertatem Healthcare Group employed work colleague.

It is the employee's responsibility to liaise with their representative to arrange support.

Procedure - Informal

Employees are encouraged to raise problems informally with their immediate line manager or another manager, if the line manager is not the most appropriate person to approach, in the first instance.

If the grievance is about the employees' line manager, consideration should be given to raising it informally with their line manager's manager in the first instance.

Employees must complete the appropriate sections of the grievance form (Appendix 1 or 2) clearly setting out in full the reasons for their grievance and forward to their line manager or another manager (as stated above).

Once notified of the informal grievance, managers should make every effort to respond/and or meet with the employee within a reasonable timescale. It is advisable to discuss and agree these timescales at the outset.

Following the meeting, the manager must confirm in writing, usually within 5 working days, the informal action taken to resolve the matter and if appropriate the reasons why the matter remains unresolved outlining the employee's right to refer the matter to the formal stage.

Procedure - Formal Stage

The employee must set out the content and grounds for their grievance in writing referring to and attaching the grievance form completed at the informal stage together with any additional information relevant to the grievance.

The grievance must be submitted to the employees' line manager (or managers' manager if appropriate) who will identify an appropriate independent manager from within Libertatem Healthcare Group to consider the grievance formally.

Once the grievance form and all relevant information has been received it is expected that a formal stage hearing will be convened within 25 working days of receipt. Any delay to hearing the case within the specified timescale should be communicated to all parties at the earliest opportunity.

Formal Hearing

A manager will be selected to hear the grievance who does not have any prior involvement in the informal stage.

A letter is sent to the employee inviting them to the formal hearing giving at least 10 working days' notice.

The manager chairing the meeting must be informed of the intention to call any witnesses to the hearing (including their names and job titles) no later than five working days prior to the hearing. Confirmation of witnesses will be made to both sides with the exchange of information as soon as reasonably possible.

If witness attendance is contested by either side, the Chair will decide upon the appropriateness of their attendance. However, if witness evidence is contested and the witness is unable or unwilling to attend the hearing, the chairing manager will consider what weight will be given to that evidence when reaching their decision and may discount it altogether.

Each party is responsible for briefing and facilitating their witnesses' attendance at the hearing. If a witness is unable to attend on the scheduled date / time, the procedure above will apply.

There is no provision for witnesses to be represented either during the investigation process or at the formal hearing. In exceptional circumstances this may be facilitated, for example to accommodate any requirements under the Equality Act 2010.

The manager who considered the matter informally (responding manager) will prepare the management response for the hearing. The management response will typically include the completed grievance form together with the outcome letter from the informal stage, a timeline of events, any agreed actions, the rationale for the decisions and copies of any relevant documentation or information.

The employee may also produce a statement including any relevant material to support their grievance in addition to the completed grievance form.

The Procedure to be followed at a formal grievance hearing

The independent manager will chair the hearing.

The Chair will introduce those present, explain the purpose of the hearing and how it will be conducted.

The employee will be asked to summarise their grievance and the resolution they are looking for.

The Chair and the responding manager can question the employee.

The responding manager will be asked to summarise their response to the grievance.

The Chair and the employee can question the responding manager.

If the Panel feel that further investigation is required, the hearing may be adjourned until such information has been received.

The Chair will adjourn the hearing to consider the decision in private.

If the Chair is unable to arrive at a decision on the day, the meeting will be adjourned, and the decision communicated in writing within an agreed timescale.

The outcome letter will outline the employees' right of appeal should they remain aggrieved.

Right of Appeal

Employees have the right of appeal against the outcome of a formal grievance hearing.

In wishing to exercise this right, the employee should write to the Directors of Libertatem Healthcare Group within fifteen working days of the date of the letter confirming the decision clearly setting out in full the reasons for their appeal i.e. procedural failure, new evidence etc.

The appeal panel will consider the grounds that the employee has put forward and assess whether or not the conclusion reached in the previous grievance hearing was appropriate. The appeal is not a re-hearing of the original grievance hearing, but a consideration of the specific areas with which the employee is dissatisfied in relation to the previous hearing. The panel chair may, therefore, confine discussion to those specific areas rather than reconsider the whole matter afresh. In considering appeals, the panel will be required to satisfy itself on the following points:

- Whether the grievance issues raised were adequately investigated and addressed
- Whether Company's procedures were correctly and fairly implemented
- Whether the disciplinary action taken was reasonable, in all of the circumstances

The disciplinary sanction and decision of the original disciplinary hearing may be upheld, lowered or removed as a result of any appeal lodged.

The result of the Appeal will be confirmed in writing within 7 working days of the appeal meeting and the staff member must be provided with a copy of the appeal meeting notes. There will be no further right of appeal following this stage of the procedure.

GRIEVANCE FORM FOR RECORDING OF GRIEVANCES

This form should be used for **collective** grievances

On completion this form must be signed and forwarded to the employee’s line manager or in the case where the grievance is against the line manager to that person’s line manager. Additional sheets may be attached if required.

Collective Grievance

We confirm we wish to pursue a formal grievance, as described in this form, and that we authorise the following person to act on our behalf:

Parties to the grievance please state the name(s) of those involved in raising this grievance including any staff side representative/s

Names of Employee	Job Title	Line Manager	Area of work

In the case of a collective grievance please indicate below two staff authorised to act on behalf of the group.

1.
2.

THE GRIEVANCE

1. Please describe the nature of your grievance clearly setting out in full your reasons (continuing on a separate sheet if necessary)

2. How would you like your grievance resolved?

3. Please explain what steps have been taken to resolve the grievance informally (Please attach a copy of the informal outcome letter)

4. Please outline why you consider your grievance remains unresolved

MANAGER DETAILS

Signature Print Name

Job Title

Relationship to Collective

Date.....