**NHS GREATER GLASGOW AND CLYDE**

**GRIEVANCE** **POLICY & PROCEDURE**

**MANAGER & HR SUPPORT DOCUMENTATION**

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**GRIEVANCE PROCEDURES - MANAGERS GUIDANCE**

**1. Introduction**

 It is important that employees’ concerns are dealt with quickly, fairly and at the most appropriate level, which is generally the ’closest point’ to the issue(s), by those most likely to have relevant knowledge. Where this is not possible, the NHS Greater Glasgow and Clyde Grievance Policy and Procedure provides a framework for dealing with employee concerns.

 This framework outlines the process for dealing with grievances informally and formally Time limits are expressed as the maximum in the policy and can only be varied by mutual consent by both parties.

**2. General Principles**

* The purpose of a grievance procedure is to allow managers to deal with employee concerns fairly and consistently, openly and promptly.
* Employees should be encouraged to raise grievances without fear of penalty or victimisation.
* The approach to dealing with grievances is founded on partnership at all levels and should take advantage of local working relationships to achieve early and, if appropriate, innovative resolution.
* All employees have the right to be accompanied by a Trade Union Representative /professional organisation, friend or work colleague.
* Where appropriate the use of third party mediation – both informal and formal- is encouraged at every level and every stage of the process. Employees and employers should be encouraged to make use of these approaches at any point as agreed by the parties.
* Managers should ensure effective communication with employees throughout the grievance process.
* Where issues are sufficiently serious, mechanisms should be in place for dealing with grievances which allow for early escalation to senior managers if required.
* Documentation used throughout the grievance process must be clear and simple. Employees who have difficulty in expressing themselves on paper or whose first language is not English should have help made available to them if appropriate. Further information on this is availablethrough Staffnet.

**3 What happens when a grievance is notified?**

 **Refer to letter 1: Acknowledgement of Grievance**

When the **Grievance notification form (GD1)** is received and, if not stated on the form, the first step in the process is to check with the individual if an informal approach under the Grievance Policy could be considered***.*** This can be done when acknowledging receipt of the grievance in writing*.*

If there is potential for an informal resolution, the line manager can use a number of approaches detailed below with the aim of securing a positive and early resolution to staff concerns. It should be possible for most grievances to be dealt with informally by the employee’s line manager.

If the grievance is to be dealt with under the formal part of the policy, please go to the **Section 5** in the document which describes the formal process.

**4 Informal Approaches**

 **Refer to letter 2: Grievance informal discussion Invite**

This section of the document describes the informal approaches which managers can use. This list is not exhaustive and you may wish to agree with the aggrieved party an approach not described.

**4.1** **Informal Meeting with employee**

The most common approach is a one-to-one meeting with line manager and employee, with a frank discussion of the issues/concerns and appropriate consideration of resolutions by the manager.

A template letter is attached to invite the employee to this meeting.

This meeting may also highlight that some of the approaches below are required to assist in resolving the grievance including the use of mediation or facilitated meetings. Although these approaches are described in the informal section, it does not preclude these approaches being used at the end or any stage of the process. For example in some instances following a grievance, a recommendation could be mediation between parties.

**4.2 Facilitated Meeting**

This may involve bringing all relevant parties to the grievance together with the manager controlling a focused discussion, aimed at highlighting the concerns and finding a suitable resolution between all parties. Trade Unions often have a role to play in these meetings, in assisting the manager to reach an informal resolution.

**4.3 Mediation**

“Mediation is where an impartial third party, the mediator, helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

NHS Greater Glasgow and Clyde have a Mediation Procedure and a number of trained mediators.

Although the use of mediation is encouraged in the organisation it is important to fully consider the extent of the concerns raised and whether this is the most appropriate means to address the grievance.

If it also important to note that:

* Mediation is voluntary and will take place only where all parties involved in the dispute agree to participate.
* The process can be stopped at any point by any participant, including the mediator.
* The mediator will be impartial and independent to the situation and parties involved.
* Every individual involved will keep information about the mediation confidential and not disclose it to a third party, nor use it for any other purpose other than mediation. The only exception would be if there was a legal duty to disclose information that was shared at the meeting.
* The mediation framework, including any written agreement, is non-contractual in status, binding by honour only. To encourage employees to participate in mediation and to emphasise its use at informal stages of disputes, ACAS advise that the content of mediation discussions and agreements should not be used in any formal process.

**4.4. Outcome of the Informal Stage**

 **Refer to letter 3: Grievance informal discussion outcome**

The grievance policy states managers should seek to resolve the matter **within 2 working weeks** of grievance being raised. Often depending on the approach it may take more than 2 working weeks, in which case this should be agreed by all parties and confirmed in writing.

It is recommended that a written record is kept of any discussions under the informal stages of NHS GGC Grievance Policy and Procedure. This should take the form of a letter confirming an informal approach has been agreed as the way forward to progress the concern and should also cover if you have agreed to go out with the time limits expressed in the policy. Depending on the circumstances will dictate how you record informal stages and advice can be sought from the HR department

For example, if you decided to use mediation as an approach to resolve the issue informally you could confirm this in a letter and arrangements for appointing a mediator. If mediation is successful you would then confirm that the process is complete and they have advised they will not be progressing to formal stage.

If the employee remains dissatisfied with the outcome of the informal stage, they will have four working weeks from the date of the decision to notify the next in line manager that they wish to initiate the formal stage of the process.

 **Formal Stages**

This section of the guidance is to assist you with dealing with the formal stages of the grievance process. A step by step guide will assist you with this process.

**5. STAGE 1 Hearing: Step-by-Step Guide**

**5.1 Preparation**

 **Refer to letter 4: Grievance Stage 1 hearing invite - complainant**

 **Refer to letter 5: Grievance Stage 1 hearing invite – respondent**

 **Refer to letter 10 and 11 for rescheduled invites for complaint and respondent.**

* On receipt of the grievance notification form, the grievance **should be acknowledged in writing**.

* The first stage of the formal procedure will be chaired by the employee’s next in line manager or above.
* The manager hearing the grievance must have had no previous involvement in the grievance prior to this stage.
* A representative of Human Resources should be present at the hearing of all formal grievances to provide professional advice to support the process.
* The manager hearing the grievance should ensure that they have a fully completed Grievance Notification Form submitted by the employee following the informal Grievance process. This should specify the nature of the grievance, explaining the basis of their complaint, any potential witnesses and indicating how they would wish the grievance to be resolved. If the Grievance Notification Form is not fully completed, the employee should be asked to complete the full details.
* The manager hearing the grievance should ensure that they have any written record of the discussions and outcome of the informal stage.
* The manager should arrange a meeting to hear the grievance within **4 working** **weeks** of receipt of the Grievance Notification Form. Letters should be sent confirming arrangements to the complainant and the respondent with reasonable notice of the hearing. The letter will also advised that statement of cases should be sent to the manager hearing the case, who will have responsibility for ensuring that all paperwork is circulated **at least one week prior to hearing taking place.** If there has been agreement to extend the timescales expressed in the policy this should be covered in the letter sent.
* For a template management statement of case see templates.
* The manager should book a suitable room for conducting the hearing, which will be free from interruptions.
* Adequate rooms/waiting areas should be provided for all parties involved in the hearing, including witnesses where possible.
* It is the responsibility of the complainant and respondent to arrange for their witnesses to attend.

**5.2 Hearing**

* The manager chairing the grievance should invite the individual, their representative and management side (if applicable) in to the room at the same time and confirm with any witnesses when they will be required.
* The Chair should introduce the panel and ask the others present to introduce themselves.
* If the employee is not accompanied, then the chair should clarify with the employee their right to be represented by a trade union representative, colleague or friend and ask if the employee is happy to proceed with the hearing.
* The Chair should explain the process of the hearing.
* The hearing may be adjourned at the discretion of the Chair to enable further evidence to be produced by either party, or any other reason or at the request of either party.
* Both the complainant and the respondent must be given the full opportunity to present cases verbally and call any witnesses.
* The complainant or their representative shall have the opportunity to state their case to the panel in the first instance.
* If applicable, the complainant may wish to call witnesses. Witnesses will only be present at the hearing when they are presenting evidence.
* If applicable, the management representative will be asked to present their case and call any relevant witnesses to support their case.
* The complainant or their representative and members of the panel shall have the opportunity to ask questions of the management representatives and witnesses.
* Written evidence not previously circulated and presented at the hearing may only be admitted at the discretion of the chair of the appeal hearing.
* The panel may wish to clarify the information presented or consider if additional information is required in order to make a decision.
* The management representative and the employee or their representative shall have the opportunity to sum up their case if they so wish. The employee or their representative should have the right to speak last. In their summing up, neither party may introduce any new matters.
* The panel will either take a decision if they feel there is no further information required, or alternatively, provide timescales to the employee for the outcome to be communicated.

**5.3 Outcome of Stage 1**

 **Refer to letter 6: Grievance stage 1 outcome**

* An outcome letter detailing the manager’s decision and the reason for the decision should be provided to the employee within 1 working week of the hearing,
* This letter must include details of the manager who will hear the next stage of the process (Stage 2) and how the complainant should exercise their right of appeal should they remain dissatisfied with the outcome of the hearing.

**6 Stage 2 Hearing (Final Stage): Step-by-Step Guide**

In the event that the employee remains dissatisfied with the outcome provided at Stage 1 of the Grievance process, they must complete the **Grievance Notification Progression Form** within 4 working weeks, which should be sent to the appropriate Head of Human Resources.

**6.1 Preparation**

 **Refer to letter 7: Grievance Stage 2 hearing invite - complainant**

 **Refer to letter 8: Grievance Stage 2 hearing invite – respondent**

 **Refer to letter 12 and 13 for rescheduled invites for complaint and respondent.**

* On receipt of the form, the grievance should be acknowledged in writing (**refer to template 1 – acknowledgement of grievance**).
* At the final stage of the formal procedure, the Grievance Appeal should be heard by a member of the senior management team (i.e. heard by a Director or a manager who is a direct report to the Director acting with delegated authority.

* The manager hearing the Grievance Appeal must have had no previous involvement in the grievance prior to this stage.
* A representative of Human Resources should be present at the hearing of all formal grievances to provide professional advice to support the process.
* The manager should arrange to hear the Grievance Appeal within 4 working weeks of receipt of the Grievance Notification Progression Form.
* The manager hearing the grievance should ensure that they have a fully completed Grievance Notification Progression Form submitted by the employee following Stage 1 of the formal Grievance process. This should specify the nature of the grievance, explaining the basis of their complaint, any potential witnesses and indicating how they would wish the grievance to be resolved. If the Grievance Notification Progression Form is not fully completed, the employee should be asked to complete the full details.
* The manager hearing the Grievance Appeal must arrange for the complainant and the respondent to present written statements surrounding the grievance in advance of the hearing. This is covered in the standard letters inviting both parties to the hearing**.** If there has been agreement by both parties to extend timescales expressed in the policy this should be covered in any letter sent.
* A copy of a **template management statement of case** is available in the templates.

* All written statements should be circulated amongst all parties **at least one working** **week** before the Grievance Appeal hearing, by the manager conducting the hearing.
* The manager should book a suitable room for conducting the hearing, which will be free from interruptions.
* Adequate rooms/waiting areas should be provided for all parties involved in the hearing, including witnesses where possible.
* It is the responsibility of the complainant and respondent to arrange for their witnesses to attend.

**6.2 Hearing**

* The manager chairing the Grievance Appeal should invite the individual, their representative and management side in to the room at the same time and confirm with any witnesses when they will be required.
* The Chair should introduce the panel and ask the others present to introduce themselves.
* If the employee is not accompanied, then the chair should clarify with the employee their right to be represented by a trade union representative, colleague or friend and ask if the employee is happy to proceed with the hearing.
* The Chair should explain the process of the hearing and confirm that this is the final stage in the Grievance Policy.
* The hearing may be adjourned at the discretion of the Chair to enable further evidence to be produced by either party, or any other reason.
* Both the employee and the panel must be given the full opportunity to present cases verbally and call any witnesses.
* The employee or the employee’s representative shall have the opportunity to state their case to the panel in the first instance.
* If applicable, the employee may wish to call witnesses.
* Witnesses will only be present at the hearing when they are presenting evidence.
* If applicable, the management representative will be asked to present their case and call any relevant witnesses to support their case.
* The employee or employee’s representative and members of the panel shall have the opportunity to ask questions of management representatives and witnesses.
* Written evidence not previously circulated and presented at the hearing may only be admitted at the discretion of the chair of the appeal hearing.
* Witnesses will only be present while giving evidence.
* The panel may wish to clarify the information presented or consider if additional information is required in order to make a decision.
* The management representative and the employee or their representative shall have the opportunity to sum up their case if they so wish. The employee or their representative should have the right to speak last. In their summing up, neither party may introduce any new matters.
* The panel will either take a decision if they feel there is no further information required, or alternatively, provide timescales to the employee for the outcome to be communicated.

**6.3 Outcome**

 **Refer to letter 9: Grievance stage 2 outcome**

* An outcome letter detailing the manager’s decision and the reason for the decision should be provided to the employee within 1 working week of the hearing,
* This letter must advise the employee that this is the final stage of the Grievance Policy.

**7. Grievances with wider organisational consequences**

 This stage only applies to a grievance where the outcome might affect more than one individual (examples include: the application of terms and conditions of service, the implementation of a Board-wide policy or matters which could become litigious, or the focus of an industrial dispute) and if the issue cannot be resolved at stage two.

 The aggrieved party and/or representative should raise the issue with the Director of HR within 4 working weeks of receipt of the outcome of grievance stage 2.

 The Director of Human Resources and Employee Director will be responsible for determining whether the grievance raised has wider organisational consequences beyond the aggrieved party.

 If it is agreed as having wider organisational consequences, a formal hearing will normally be heard by 2 Non exec members plus one of the following ( Chief Executive, Other Executive or Corporate Director, Chief Operation Officer, Acute/Partnership Director). Heads of HR will organise the appeal hearing for grievances which fall into this category.

The process for the hearing will be as documented for the formal stages of the process.

This stage will exhaust the internal processes for cases in this category.

**8. Status Quo**

Status Quo is defined as the working practices and management arrangements that were in place at the time the grievance was raised and where possible the status quo should operate until the internal procedure has been exhausted.

There are some circumstances where this can be set aside including:-

* + if both parties agree to do so
	+ Continuation leads to breach of statutory or other mandatory regulations.
	+ The grievance is about action already agreed or taken through collective agreement.

**If you decide to set aside the status quo you should always confirm this in writing.**

**9. RECORD KEEPING**

It is important and in the interests of both employer and employee to keep a written

record of all stages of the grievance process, particularly the informal stage.

**10. Adjournment of Grievance FOR FURTHER INVESTIGATION**

In exceptional circumstances, consideration may be given to adjourning a grievance

meeting where it is deemed by the Chair of the Panel that it is necessary for a full

investigation of the matter to be undertaken or in the event further clarity is required.

The employee will be notified that the hearing will be reconvened when the

investigation has been completed.

This stage will be the collation of evidence by the employer for use at the grievance

hearing. In some cases this may require the appointment of an Investigation Officer

to undertake a full investigation. The Investigating Officer will be concerned only with

obtaining facts and information relevant to the Grievance and this may include, for

example, relevant reports by Internal Audit, or other relevant documentation.

When investigating a grievance matter care must be taken to deal with requests for

further information on employees in a fair and reasonable manner. All investigations

will be undertaken thoroughly, objectively and expediently and should be confined to

establishing the facts of the case.

The aggrieved employee and/or any witnesses may be asked to provide a written

statement and to sign and date their statements. The employee and/or witnesses

should not be refused the right to be accompanied at the meeting, but this should not

unreasonably inhibit the progress of the investigation.

The Investigating Officer shall forward to the Chair of the Panel a copy of the final

report, along with the record of interview(s) and summary of the investigation and any

accompanying statements that are taken.

**11. GRIEVANCES NOT CONCLUDED AT THE TIME OF EMPLOYMENT TERMINATING**

If a grievance has been raised but not concluded by the time the employee’s employment terminates, and there remains outstanding grounds of appeal, the current stage of the grievance process should be concluded with a paper review of the position and a written response.

**12. Post Employment Grievances**

If an individual raises a Grievance within a reasonable timescale after leaving the organisation then the matter should be investigated and a full written response provided to the individual.

**13. Standard Correspondence and Documentation AVAILABLE ON hr cONNECT**

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| A | Management statement of case – stage 1 |
| B | Management statement of case – stage 2 |

Letters

|  |  |
| --- | --- |
| 1 | Acknowledgement of Grievance |
| 2 | Grievance informal discussion invite |
| 3 | Grievance informal discussion outcome |
| 4 | Grievance stage 1 hearing invite – complainant |
| 5 | Grievance stage 1 hearing invite – respondent |
| 6 | Grievance stage 1 outcome |
| 7 | Grievance stage 2 hearing invite – complainant |
| 8 | Grievance stage 2 hearing invite – respondent |
| 9 | Grievance stage 2 outcome |
| 10 | Rescheduled grievance stage 1 hearing invite – complainant |
| 11 | Rescheduled grievance stage 1 hearing invite – respondent |
| 12 | Rescheduled grievance stage 2 hearing invite – complainant |
| 13 | Rescheduled grievance stage 2 hearing invite - respondent |
| 14 | Non attendance therefore case closed |
| 15 | Acknowledge grievance and direct to other policy-process |