

GRIEVANCE POLICY

Key Points

The aim of this Grievance Policy is to resolve staff grievances as quickly and effectively as possible, in a fair and consistent manner, in order to support and maintain harmonious workplace relations. The objective is to settle a grievance as near as possible to the point of origin.

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Related Trust Documents:

- Raising Concerns (Whistleblowing Policy)
- Performance Management Policy
- Managing Attendance Policy
- Harassment and Bullying Policy

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1. Introduction

- 1.1. The Grievance Policy applies to all staff working at Great Ormond Street Hospital NHS Foundation Trust (the Trust) under a contract of employment, with the exceptions listed below:
 - Independent contractors within the NHS under a contract for services;
 - Individuals who do not have an employment relationship with the Trust, such as those who are on an honorary contract, or volunteers;
 - Staff who work at the Trust as part of a College placement, university course (e.g. as part of a sandwich course);
 - Individuals who are on the in-house bank, or who are agency workers.
- 1.2. These individuals should raise any concerns with their supervisor/line manager in the first instance.
- 1.3. This policy does not apply to former employees. In all circumstances, the Grievance policy will not apply after the date of termination of employment, however the Trust reserves the right to note the grievance and respond.
- 1.4. A grievance can be raised individually or collectively regarding an employment concern, problem or complaint.
- 1.5. The Trust's Grievance Policy has been written in line with the ACAS Statutory Code on Grievances (Employment Act 2008).
- 1.6. It is the responsibility of all employees to ensure that they are acquainted with the Policy.
- 1.7. The Trust aims to treat everyone who works at GOSH with respect and to deal with employment issues as equitably and as openly as possible. This policy will be applied fairly and consistently to all relevant staff employed by the Trust regardless of sex, race, religion or belief, marital status (including people in civil partnerships), age, disability, gender reassignment, pregnancy or maternity, sexual orientation, socio-economic status, or number of hours worked.
- 1.8. Through its policies, procedures and practices and in accordance with the Always Values Framework, the Trust aims to encourage, value and manage diversity, and promote equality for all. All GOSH employment policies and procedures are drawn up in consultation with staff side and an equality impact assessment is undertaken on each one.

2. Aims and Objectives

- 2.1. The aim of the Grievance Policy is to resolve staff employment grievances as quickly and effectively as possible, in a fair and consistent manner, in order to support and maintain harmonious workplace relations.
- 2.2. The objectives of the policy are to;
- Provide guidance to managers, ensuring all grievances are resolved informally as far as reasonably possible and as near as possible to the point of origin
 - To encourage managers and employees to raise and deal with issues promptly and not to unreasonably delay meetings, decisions or confirmation of those decisions
 - To guide managers on when it is appropriate to carry out investigations to establish the facts of the case.
 - To ensure managers are guided towards giving employees an opportunity to put their case in response before any decisions are made.
- 2.3. Whilst informal methods are often the most effective way of resolving conflict, the Trust recognises that it is important that staff have the right to raise grievances in certain circumstances and to do so they should follow the provisions set out in this policy.
- 2.4. This Policy is designed to clearly state the method and the circumstances in which an employee may raise a grievance relating to his/her employment. Individual employees who have personal problems, not directly related to work, can discuss these in confidence with Carefirst, the staff counselling service. Carefirst can be contacted in confidence 24/7 on 0800 174319.
- 2.5. Staff in hospital accommodation should raise concerns regarding their housing with the Accommodation Letting team (for GOSH accommodation stock) on Ext 5624, or Genesis Housing (Bernard Street and Colonnade) on 0207 2781235.
- 2.6. This Grievance Policy does not form part of any employee's contract of employment. It may be amended at any time and the Trust may need to depart from it depending on the circumstances.

3. Duties and responsibilities

3.1. The Director of HR & OD:

The Director of HR & OD will be responsible for the development and implementation of the HR&OD strategy, policy, procedure and guidance and leading on consultation with employee representatives through the Staff Partnership Forum.

3.2. Managers:

Responsible for contributing to the development of strategy, policy, procedure and guidance, taking the lead role where required, as well as ensuring implementation, monitoring and exception reporting to those responsible for the document as appropriate. To work with employees to resolve their grievances in an appropriate time frame.

3.3. Staff:

Responsible for following all applicable policy, procedure and guidance and reporting any adverse experience to those responsible. To raise a grievance as early as feasibly possible, and not later three months of the date of the last incident occurring, to allow the Trust to work with them to identify an appropriate resolution.

3.4. HR&OD Team:

Responsible for supporting managers and employees to resolve grievances in line with this policy. To provide training to managers in dealing with grievances.

4. Definitions

- 4.1. **Grievances** - defined as instances when an employee, or group of employees feel that they have been (or will be) treated unfairly, unjustly or inequitably in relation to issues such as the application of terms and conditions of employment, health and safety, work relations, new working practices, working environment, organisational change, or discrimination.
- 4.2. **Time limit** – grievances should be raised within three months of the date of the last incident occurring.
- 4.3. **Collective grievances/disputes** - is a problem or concern raised by a group of employees collectively or by a Trade Union representative on behalf of their members about which they feel aggrieved and the grievance is within the scope of those matters which can be resolved by the Trust. When a dispute is raised Management may ask the trade union representative for formal confirmation of the numbers of employees who feel aggrieved.
- 4.4. **Aggrieved employee(s)** - the staff member, or members, who have lodged the grievance.
- 4.5. **Grievance meeting** - a grievance meeting is held to discuss the grievance issues, with a view to an amicable solution.
- 4.6. **Harassment and bullying** - It is important for staff to distinguish between incidents of harassment/bullying and times when they wish to raise a grievance. One-off grievances are not instances of bullying/harassment. However a manager's behaviour, for example their unreasonable refusal of a leave request

from one particular employee, may be an example of bullying or harassing behaviour **if** it is part of a wider pattern of behaviour towards the employee aimed at intimidating/belittling them. For more information, please refer to the Trust's Dignity at Work policy located on the intranet.

- 4.7. **Raising concerns in the workplace** - the Trust's Raising Concerns in the Workplace Policy (Whistleblowing Policy) provides a clear and easily accessible route for staff to raise any specific concerns they may have related to all operational functions carried out by the Trust and enables employees to report illegal activities, wrongdoing or malpractice. Staff may also choose to contact their staffside representative. However, where a member of staff is directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, this may be raised under this Grievance Policy.
- 4.8. **Status Quo** - other than in exceptional circumstances the status quo, i.e. the previously agreed working and/or management arrangements, which applied before the grievance or dispute, will continue through the informal stage of this policy.

5. Collective grievance

- 5.1. A collective grievance is one which directly affects more than one employee and may involve more than one department.
- 5.2. Collective grievances where there are more than one union or professional body involved should agree the grievance and present jointly at the grievance meeting.
- 5.3. Where a collective grievance is heard, the collective must nominate no more than three representatives to attend the grievance meeting.

6. Grievance resolution

6.1. Stage one - Informal resolution

- 6.1.1. In the first instance, employees are strongly encouraged to seek informal resolution to their grievances by raising the matter with their supervisor or line manager. This can lead to a swift resolution as supervisors or line managers are often the individuals with influence to rectify a problem.
- 6.1.2. Support to resolve concerns, problems or complaints may also be available in the form of mediation and/or informally facilitated meetings. Should the outcome of this not be satisfactory, employees may raise a formal grievance as detailed below. Mediation is provided by Carefirst the independent staff support service and can be accessed by contacting the relevant member of HR.
- 6.1.3. If the employee feels unable to speak to their manager, for example, because the complaint concerns him or her, then they should speak

informally to their line manager's manager. If this does not resolve the issue, the employee should follow the formal stage – Stage Two - below.

- 6.1.4. The employee must:
- set out their grievance in writing; and
 - send the statement or a copy to their manager (or manager's manager if appropriate) and to the HR and OD Department within three months of the date of the event they are raising an issue about
- 6.1.5. When setting out their grievance in writing, employees are encouraged to describe, in as much detail as possible, the exact nature of their grievance, what methods they have used to try and resolve their grievance informally and how they would like their grievance resolved.
- 6.1.6. Upon receipt of an informal grievance the appropriate manager should arrange to meet with the employee. The meeting should take place within 10 working days of receipt of the grievance unless agreed otherwise, to attempt to seek resolution.. The manager should respond to the grievance in writing within 5 working days after the meeting confirming any remedial actions which may be taken and within what timescale.
- 6.1.7. If the employee remains unhappy with the resolution they may choose to take their grievance to the next stage (section 6.2).

6.2. Stage two – Formal grievance meeting

- 6.2.1. On receipt of the grievance the manager (or manager's manager) will write to the staff member within 5 working days to acknowledge receipt and arrange a meeting. The staff member should be informed that they have a right to be accompanied at the meeting by a colleague (but not a relative or acting in a legal capacity), a trade union representative or an official employed by a trade union. In exceptional circumstances, where neither the manager or manager's manager is available, an alternative manager can be identified.
- 6.2.2. If an employee is not available at the time proposed for the meeting, the employer must offer one more date and if the employee is not able to attend this meeting then the grievance will be considered withdrawn following discussion with a HR representative. Any meetings should be arranged reasonably for the employee and representative.
- 6.2.3. Where a collective grievance is heard, the collective must nominate no more than three representatives from the group of employees to attend the grievance meeting.
- 6.2.4. Preparation for grievance meeting:
- To allow for consistency in treatment of staff and in preparation for the meeting, the manager should investigate whether similar grievance have

been raised before, how they have been resolved and any follow up action that has been necessary.

- To commence the meeting, the employee should be invited to re-state their grievance and how they would like to see it resolved and to assist the Trust to reach a decision on the available evidence and representations.
- Care and thought must be put into resolving grievances and consideration of adjournment may be necessary, in order to investigate any new facts which arise.
- If the grievance raises issues involving bullying or harassment, or whistleblowing, the panel will need to advise that these matters will be dealt with under the respective Trust Bullying and Harassment policy & Raising Concerns in the Workplace Policy (including Fraud, Whistle Blowing and Bribery) and will involve a separate process.
- To conclude the meeting, the main points should be clarified for all parties and where appropriate, should set out what action the manager intends to take to resolve the grievance. The employee should be informed when they might expect a response, if one cannot be made at the time.

6.2.5. After an initial grievance meeting, the manager may carry out an investigation and hold further grievance meetings as they consider appropriate. Should the manager decide a formal investigation is appropriate; the manager will draw up terms of reference for the appointed investigating officer who has had no previous involvement in the case.

6.2.6. At the conclusion of the investigation, the formal investigation report will be shared and recommendations discussed with the individual(s) at a subsequent grievance meeting, with a view to resolution. Any confidential information submitted by witnesses or other parties, may be redacted to respect individual confidentiality.

6.2.7. Where a grievance is raised about a fellow colleague or manager then they will be informed of the grievance against them after the manager has initially met with the employee to discuss the grievance details.

6.2.8. Where a member of staff has been informed of a grievance raised about them, support can be sought from their line manager if they are not involved in managing the grievance. Alternatively, an independent manager can be identified to provide support if required.

6.2.9. Following each meeting, any decisions should be communicated to the employee, in writing and within 5 working days.

6.2.10. The employee must be informed of their right of appeal at conclusion of this stage. The employee will be asked to confirm their email address at the end of the meeting to enable correspondence to be forwarded. It is

expected that all correspondence is read in a timely manner by the employee.

6.3. Stage three - Appeal

- 6.3.1. Where an employee feels that their grievance has not been satisfactorily resolved through previous stages, the employee(s) can appeal. To appeal, the employee must state their grounds in writing to the Deputy Director of HR&OD detailed within the outcome letter, within 10 working days of receiving the grievance meeting outcome letter.
- 6.3.2. The appeal should be dealt with impartially by a manager who has not previously been involved in the case. As far as reasonably practicable the appeal meeting should be with a more senior manager, than the one who dealt with the original grievance.
- 6.3.3. The appeal panel must write to the employee(s) giving an appeal hearing date within 10 working days of receipt of the appeal letter, with a right to be accompanied by a fellow worker, a Trade Union representative or a workplace union representative.
- 6.3.4. The employee must not use the appeals process as a re-hearing of the grievance. The appeal hearing should focus on discussing the employee's grounds of appeal and the manager's response to this.
- 6.3.5. The outcome of the appeal should be communicated to the employee in writing within 5 working days and informed that the appeal meeting is the final stage of the grievance policy.

7. Withdrawal of Grievance

- 7.1. If at any stage the employee(s) wish to withdraw their grievance they must do so in writing.
- 7.2. The Trust reserves the right to consider a grievance withdrawn should the employee not engage in any part of the Grievance process.
- 7.3. In all circumstances, the Grievance Policy ceases to have any force at the date of termination of employment, however the Trust reserves the right to note the grievance and respond.

8. Application of the Grievance Resolution

- 8.1. All steps and actions must be taken within the detailed timescales.
- 8.2. A grievance meeting / appeal hearing must be conducted in a manner, so as to enable both parties to explain their cases.

- 8.3. If an employee's is not available at the time proposed for the hearing, the employer must offer one more date and if the employee is not able to make that date then grievance will be considered to be withdrawn following discussion with a HR representative. Any meetings should be arranged reasonably for the employee and representative.
- 8.4. At the request of the employee, a hearing can proceed in the employee's absence, providing they have made a written submission to the panel to provide information that they would like the panel to consider. The written statement must be submitted within 2 working days prior to the date of the hearing. As an alternative, the employee's representative may also be permitted to attend the hearing on the member of staff's behalf.
- 8.5. The right to be accompanied applies to both the grievance meetings and appeal hearing, as detailed in this Policy. The representative may make representations and ask questions at the hearing, but should not answer questions on the employee's behalf.
- 8.6. A HR representative will be involved in all formal stages of the policy.

9. Confidentiality

- 9.1. Confidentiality should be maintained by employees involved in grievance investigations, meetings and hearings at all times. Any breach of confidence may result in disciplinary action being taken against the individual/s who breached the confidence.
- 9.2. Should a grievance raised, involve another party, the manager may decide to forward the meeting outcome letter to the party to give closure. Any confidential information submitted by witnesses or other parties, will be redacted to respect individual confidentiality.

10. Assistance at meetings and with information

- 10.1. All members of staff invited to attend meetings or hearings will be asked if they require any arrangements to be put into place to enable them to attend and participate in proceedings (e.g. because they may have a disability which requires adjustments to be made). This may include accessible venues and information in alternative formats. The Trust will do all that it reasonably can to meet any requests.

11. Exclusions from the policy

- 11.1. There is no legal requirement for the Trust to postpone any performance, absence or disciplinary proceedings when the employee, who is subject to those proceedings, raises a grievance. These processes may happen in parallel depending on the circumstances involved.

- 11.2. It may be appropriate for the Trust to deal with the grievance as part of a performance, absence or disciplinary process, where the two are related. Where it is appropriate, the Trust should allow the employee to set out the grounds for his or her grievance at a meeting during the process, and should investigate and address the grievance concurrently with the performance, absence or disciplinary process. If necessary, the Trust can continue the grievance proceedings after the process has been concluded, if there are issues that remain outstanding.
- 11.3. If the grievance is unrelated to the performance, absence or disciplinary process, it may be more appropriate for the Trust to deal with it separately, however if appropriate, the manager may still be required to continue with the performance, absence or disciplinary process.
- 11.4. Other situations, in which the procedures will not apply, are limited and include those where:
- either the Trust or the employee has reasonable grounds to believe that complying with the procedure would result in a significant threat to himself, his property or someone else;
 - either the Trust or the employee has subjected the other party to harassment and that party has reasonable grounds to believe complying with the procedure would result in being subjected to further harassment;
 - it is not reasonably practicable to commence the procedure or comply with a step within a reasonable period e.g. due to long term sick leave;
 - the employee has made a protected disclosure i.e. whistle blowing and their concerns are being addressed through the Raising Concerns in the Workplace Policy.
 - where an employee raises the same grievance twice, for example where the same time period and dates have been referenced. The employee has recourse to use the appeals process as per section 6.3.

12. Representation

- 12.1. Employees have the right to be accompanied by a recognised trade union/professional body official or a work colleague, where they are required or invited to attend a grievance meeting or an appeal hearing. Legal representatives will not be allowed to attend meetings or formal hearings under this policy.
- 12.2. Employees should bear in mind that it would not be reasonable to request representation from a work colleague whose presence would conflict or prejudice the meeting or hearing.
- 12.3. The companion may make representations and ask questions at the hearing, but should not answer questions on the employee's behalf.

12.4. Collective grievances where there are more than one union or professional body involved should agree the grievance and present jointly at the grievance meeting or appeal hearing.

13. Training requirements

13.1. This document will be made freely available to staff through the intranet site (GOSHweb). The HR and OD Department will ensure that it is discussed at key meetings such as divisional board meetings or corporate team meetings and managers will be encouraged to disseminate to staff.

13.2. Training will be provided to managers through the appropriate HR led training sessions.

14. Monitoring arrangements

14.1 This policy should be reviewed informally on an annual basis via the SPF in terms of whether amendments are required to ensure the document is current and fit for purpose. This should then inform the formal 3 year review.

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements	Acting on recommendations and leads	Change in practice and lessons to be shared
Number of formal grievances	ER Team	Report / Case-work tracker	Quarterly	Report HRM's Equality and Diversity group CGC	Actions will be identified when required and remedial work completed within a nominated timeframe, with on-going monitoring maintained.	Any required changes will be identified and actioned within a specific timeframe, with lead person for implementation identified.

15. Equality impact statement

15.1. See Appendix 1.

Appendix 1: Equality Analysis Form

Title of document: Grievance Policy

Completed by: HR Manager

Date completed: August 2017

Potential Equality Impacts and Issues Identified

Protected group	Potential issues identified	Actions to mitigate/Opportunities to promote
Age	n/a	
Disability (including learning disability)	May need adaptations at hearings and meetings	Particular reference is made.
Gender re-assignment	n/a	
Marriage or civil partnership	n/a	
Pregnancy and maternity	Meeting attendance whilst on maternity leave	Additional flexibility can be offered with meeting arrangements where a grievance is raised whilst on maternity leave
Race	n/a	
Religion or belief	n/a	
Sex	n/a	
Sexual orientation	n/a	