

GRIEVANCE POLICY AND PROCEDURE

Dealing with Employee Concerns

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(Agreed by Area Partnership Forum on 4th December 2008)

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The policy document is also available in large print, or other alternative formats/languages as requested.

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Equality Assessed : December 2008

1. Introduction

- 1.1 NHS Greater Glasgow and Clyde¹ encourages open and honest communication at all levels. It recognises, however, that from time to time employees may wish to seek redress for grievances arising from their employment. This policy applies to all employees within the Board. Appendix 1 provides details of the modified (special circumstances) grievance procedure which may be followed in cases where the standard grievance procedure would otherwise apply but where the employment has ended and certain criteria are satisfied.
- 1.2 Employees and managers are encouraged to make every effort to resolve issues at the most local level possible and where appropriate before resorting to the formal procedure. Matters should be dealt with as they arise and be settled as close to the point of origin as possible and as quickly as possible and in accordance with the agreed timescales. It is, however, recognised that the formal procedure may be necessary to resolve some grievances. Employees will be able to pursue concerns relating to their working conditions without fear of recrimination.

2. General Principles

All grievances concerning matters arising out of employment with the Board will be settled in accordance with the undernoted procedure:

- 2.1 It is the policy of the Board that an employee(s) should receive a fair hearing concerning any grievance. The spirit and intention of this policy is to promote the best possible relations between management and employee(s);
- 2.2 Throughout the formal and informal stages of the procedure, the employee(s) has the right to be represented by a Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff or a friend or a relative not acting in a legal capacity.
- 2.3 It is recognised that informal approaches can be an aid to resolving grievances, therefore, the provisions outlined in this procedure do not prevent informal discussions between management, the employee and their Trade Union/Professional Organisation representatives;

¹ NHS Greater Glasgow and Clyde is the common title of Greater Glasgow Health Board.

- 2.4 It is recognised that all stages of the procedure may not be applicable where the levels of management structure are limited;
- 2.5 It is also recognised that in some circumstances utilisation of all stages of the procedure may not be appropriate and may be modified with mutual agreement;
- 2.6 No person who has previously been involved with the grievance issue should sit on the grievance panel;
- 2.7 This local process is based on an acceptance that industrial action should normally only be used as a genuine last resort and after all steps of the process have been exhausted.

3. Time Limits on Handling a Grievance

All time limits expressed in this procedure are the maximum. However, all grievances should be dealt with as quickly as possible and both parties shall endeavour to reach agreement at an early stage in the procedure. The time limits specified within this policy may be varied with the consent of both parties, but it is in everyone's interests to resolve matters at the earliest opportunity.

Where a particular manager is not available, the use of a nominated deputy, with delegated authority, can ensure that the procedure is followed within the agreed time limits.

4. Types of Grievance

There are two types of grievance covered by this policy.

Individual: An individual grievance is when one employee seeks a satisfactory solution to a personal complaint.

Collective: A collective grievance is where more than one employee raises an issue relating to a group of employees.

If any of the above have a wider organisational consequence then section 6 will apply.

5. Procedure – Grievance

5.1 Informal Stage

It is the intention of this policy to ensure that the informal stage of the procedure is managed at local level, close to where the issue occurred.

When an employee(s) feels aggrieved about an issue it should be raised in the first instance, by completion of the Grievance Notification Form (Appendix 4), with their immediate manager and the manager should seek to resolve the matter informally within two working weeks of the grievance being raised. The form is available from Human Resources, managers, staff side representatives and can be downloaded from the Board's website. If the grievance is against the manager then the grievance should be raised at the next level of management.

Where the grievance lies with the manager unaddressed, then the employee(s) has the right to raise the matter informally with the next level of management.

If no resolution is achieved from the informal meeting, the employee(s) may choose to initiate the formal procedure. The choice to progress to the formal stage of the process must be notified to the manager by the employee(s), within 4 working weeks from the date of the decision reached at the informal stage.

Although formal documentation of these discussions is not mandatory, it is good practice and therefore recommended, to keep a written record of the discussions and to provide the employee with a note of the outcome of the informal stage.

5.2 Formal Stage 1

In the event that the employee(s) remains dissatisfied after informal consideration of the grievance, the matter should be referred to the first formal stage. A Grievance Notification Form (Appendix 4) should be sent by the employee(s) to the next in line manager who will be responsible for hearing the grievance. The manager will arrange to hear the grievance within 4 working weeks of receipt of the form.

Following the grievance hearing a written reply detailing the manager's decision and the reasons for the decision will be given to the employee(s) within 1 working week of the hearing. This letter must include the details of the manager who will hear the next stage of the process.

If however, the employee(s) feels following these discussions that the grievance remains unresolved, the matter should proceed to the second (final) formal stage. The choice to progress to the next stage of the

process must be notified within 4 working weeks of receipt of the written decision.

5.3 Formal Stage 2 (Final Stage)

In the event that the employee(s) remains dissatisfied after the first formal stage, the matter should be referred to the final stage by completion of a Grievance Notification Progression Form (Appendix 5) that should be sent by the employee to the appropriate Head of Human Resources who will arrange an appeal hearing within 4 working weeks of receipt of the form.

The manager hearing the appeal must arrange for all sides of the case to present written statements surrounding the grievance. These should be circulated amongst the parties at least one working week before the hearing.

A written reply detailing the manager's decision and the reasons for the decision should be given to the employee(s) within 1 working week of the grievance hearing.

6. Grievances with Wider Organisational Consequences

6.1 Where the grievance relates to an issue 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 2, then it may be referred to a Board level panel comprising 2 Non-Executive Board members plus one of the following –

Chief Executive

Other Executive or Corporate Director

Chief Operating Officer

Acute Director

Partnership Director

(Panels will be supported by a senior member of the Board's Human Resources function.)

To access this, then the aggrieved party and/or representative should raise the issue with the Director of Human Resources within 4 working weeks of the receipt of the outcome of the grievance at stage 2. The

Director of Human Resources will then forward the grievance to the appropriate Head of Human Resources to organise the Appeal Hearing.

6.2 Status Quo

The *status quo* should operate until the procedure has been exhausted. The working practices and management arrangements that were in place at the time the grievance was raised will remain. However, exceptionally, the *status quo* may be set aside by agreement of both parties or where the continuation of the status quo will lead to a breach of statutory or other mandatory regulations.

7. Further Action Out-with the Grievance Procedure

By mutual agreement of both parties an application to ACAS for conciliation may be considered where the internal process has failed to reach agreement.

8. Involvement of Human Resources

Advice on the application of this policy should be sought from the Human Resources function. A representative of Human Resources should be present at the hearing of all formal grievances to provide professional advice to support the process.

9. Conduct at Formal Hearings

The main purpose of a formal hearing is to ensure that everyone present has a full understanding of the issue, so that an impartial decision can be based on the facts. The hearing should adopt as flexible an approach as possible, whilst adhering to the following principles:

- 9.1 The Chair will clarify with the employee their right to be represented by a Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff or a friend or a relative not acting in a legal capacity;
- 9.2 There should be full consideration of evidence produced prior to the appeal hearing. The hearing may be adjourned at the discretion of the Chair hearing the appeal to enable further evidence to be produced by either party, or any other reason;
- 9.3 Both parties must be given the full opportunity to present cases verbally and call any witnesses. Each side is responsible for ensuring that its

witness(es) attend and subject to notice being given, management will release potential witness(es) from duty;

- 9.4 The employee or the employee's representative shall state their case in the presence of the management representative and may call witnesses to support their case;
- 9.5 The management representative and panel members shall have the opportunity to ask questions of the employee/representative and witnesses;
- 9.6 The management representative shall state their case and may call witnesses;
- 9.7 The employee or representative and members of the panel shall have the opportunity to ask questions of management representatives and witnesses;
- 9.8 Witnesses will only be present whilst giving evidence;
- 9.9 Written evidence not previously circulated and presented at the hearing may only be admitted at the discretion of the chair of the appeal hearing;
- 9.10 The chair may ask either party to clarify or expand upon any previous evidence submitted and explain the relevance of any witnesses called;
- 9.11 The manager will have the opportunity to sum up followed by the employee, at this point neither may introduce any new evidence or information;
- 9.12 The above procedures can be varied by mutual agreement between the relevant parties involved in the hearing.
- 9.13 Should an employee need help to understand issues or help to complete paperwork, then assistance will be provided.

10. Monitoring and Review

The application of this policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to

ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations. Employees may be asked for information relating to the above in connection with this policy.

Employees do not have to give the monitoring information if they do not wish to. However, for some of the above diversity strands it is a legal requirement that we ask employees for it, and good practice to ask for monitoring information for all diversity strands.

Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this policy.

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation and formally no later than 31st January 2010.

Modified Statutory Minimum Grievance Procedure

The table below contains the key elements of the modified (special circumstances) statutory minimum grievance procedure which may be followed in cases where the standard grievance procedure would otherwise apply but where the employment has ended and certain criteria are satisfied.

Step One

- The employee must set out in writing to the Director of Human Resources including full details of the nature and basis for the grievance.

Step Two

- The employer must set out their response in writing within 28 days and send a copy of it to the former employee.

The modified (two-step) grievance procedure will apply in circumstances where it would be irrational to oblige the parties to follow the standard procedure, including attending meetings, where there is no continuing employment relationship and the parties have no interest in following the procedures. It applies where the employment has ended and the standard Grievance procedure has not commenced.

N.B. H.M.Government intends to repeal the current statutory dispute resolution procedures. The new legislation is likely to be introduced in April 2009.

**GRIEVANCE PROCESS
SCHEME OF DELEGATION
For all employees excluding Medical & Dental Staff**

Formal Stage 1

At the first stage of the formal procedure the grievance will be heard by the individual'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.

Formal Stage 2 - Final Stage

At the final stage of the formal procedure, the appeal will 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.

Grievances with Organisational Consequences

Where the grievance relates to an issue where the outcome might affect more than one individual (examples include, the application of terms & 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 2, then it may be referred to a Board level panel comprising 2 Non-Executive Board members and one of the following –

Chief Executive

Other Executive or Corporate Director

Chief Operating Officer

Acute Director

Partnership Director

(Panels will be supported by a senior member of the Board's human resources function)

To access this, then the aggrieved party and/or representative should raise the issue with the Director of Human Resources within 4 working weeks of the receipt of the outcome of the grievance at stage 2.

**GRIEVANCE PROCESS
SCHEME OF DELEGATION
Medical & Dental Staff**

< To be inserted in due course >

GRIEVANCE NOTIFICATION FORM

GD/1

Section A: Employee details

This form should be completed by the employee/trade union representative when raising a formal grievance. The employee should send the completed form to their manager and also send a copy to the Directorate/CH(C)P Head of Human Resources.

Name	Grade /Band
Job Title	Contact Number
Department	Line Manager
Name of Trade Union Representative	Contact Number
Trade Union or Professional Organisation	

Section B: Details of the Grievance (please attach additional pages if required)

N.B. If Section 'B' is not completed it will be returned to the employee and/or their representative for more detail.

Please indicate what you would consider a satisfactory outcome:

Section C: Monitoring information

We are required by Law and under the European Union Employment regulations to gather information relating to: Ethnicity, Religion and Faith, Sexual Orientation, Age, Disability and Gender for all aspects of employee relations including grievance and disciplinary proceedings.

Please refer to the Equality and Diversity monitoring information sheet and form that accompanies this notification record.

Section D: Signed by

(The employee or trade union representative raising the issue must sign this form).

Employee		Date
TU/Professional Organisation		

**NHS Greater Glasgow & Clyde
Grievance Notification Progression Form**

GD/2

Please send completed form to:

Section A: Employee details

This form should be completed by the employee/trade union representative when appealing against the outcome of a Stage 1 Grievance Hearing. The employee should send the completed form to the manager identified in the outcome letter.

Name	Grade /Band
Job Title	Contact Number
Department	Line Manager
Name of Trade Union Representative	Contact Number
Trade union or Professional Organisation	
Present at Previous Hearing:	Date of Previous Hearing:

Section B: Reasons for the Appeal (please attach additional pages if required)

[Empty box for providing reasons for the appeal]

Please indicate what you would consider a satisfactory outcome:

This form must be signed by the employee or trade union representative submitting the appeal.

Employee		Date
TU/Professional Organisation		

Equality and Diversity Monitoring Information

The information on this form, should you choose to give it, will be held separately to any correspondence in relation to the disciplinary process by the Head of Human Resources within your directorate. At no point will any of the information on this form be used in any proceedings in relation to the disciplinary.

The Race Relations Amendment Act (2000) makes it a requirement that we monitor the make-up/background of individuals and gather statistical information relating to all aspects of employee relationships, for example people joining/leaving the organisation, people accessing training, getting promotion, and also in relation to bullying and harassment, grievances and disciplinarys.

From the answers to the questions on this form we are able to gather statistical information to ensure that potential unlawful discrimination in relation to ethnicity, religion or faith beliefs, age, gender, disability or sexual orientation is detected early and eliminated.

The information from this form will only be accessible at an organisation level to the Executive (and HR) teams within the Acute Services Division and Community Health Partnerships (CH(C)Ps), Mental Health Partnerships, NHSGG&C Board, the Scottish Government and the Equalities Commissioning Bodies. The information gathered will be solely used by these teams for audit and monitoring purposes and as evidence that as an organisation NHSGG&C are monitoring equality and diversity in relation to 'grievance and disputes'.

You do not have to give the monitoring information if you do not wish to, but it is a legislative requirement that we ask you for it.

Whether you choose to give, or choose not to give, any of the information on the attached form, would you please date and return it in the envelope provided as evidence that you have had the opportunity to do so.

Equality and Diversity Monitoring Information Form

Ethnic Origin

White

Scottish Other British Irish

Any other white background
(Please specify).....

Mixed

Any mixed background
(Please specify)
.....

Asian, Asian Scottish or Asian British

Indian Pakistani Bangladeshi Chinese

Any other Asian background
(Please specify)

Black, Black Scottish or Black British

Caribbean African

Any other Black background
(Please specify)
.....

Other Ethnic Background

Any other Ethnic background
(Please specify)
.....

Choose not to give this information

Religion/Faith/Belief

(Please specify)
.....

Have no religion/faith/belief
Choose not to give this information

Gender

Male Female Transgender

Other (please
specify).....

Choose not to give this information

Age

What age are you?.....

Choose not to give this information

Sexual orientation

Heterosexual Gay Lesbian Bisexual

Choose not to give this information

Do you have any form of disability?

Yes No Choose not to give this information

If Yes Please give brief details of the nature of your disability.....

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Please detail the nature of the disciplinary process you are involved in

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Choose not to give this information

Directorate CHP

Choose not to give this information

Date.....