

Grievance Policy and Procedure

Version:	V 3.0	
Summary:	<i>This policy covers the raising of and outcome of investigating grievances raised by colleagues within Locala.</i>	
Ratified by	<i>Policy Ratification Group</i>	Date: September 2020
Has an Equality Impact Assessment been carried out?	Yes	Date: August 2020
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Name of responsible committee:	Workforce Strategy Group	
Target audience:	This policy applies to all employees, except for Medical and Dental staff	
Date issued:	October 2020	
Next Review date:	September 2023	

Review and Amendment Log

Version No	Type of Change	Date	Description of Change
3.0	<i>Full review</i>	<i>September 2020</i>	<i>Full review</i>

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1. Introduction

Locala seeks to ensure that individual and collective grievances are resolved quickly and as close to the source as possible, so that disputes are avoided, and the best possible patient care is maintained.

Locala expect all colleagues to demonstrate our values as part of their day to day working lives; be caring, be inspirational, and be part of it.

Be caring... putting customers at the heart of what we do and providing great customer service by giving and receiving support and respecting others.

Be inspirational... create a vision and get others to share it; engage and enthuse; take a positive approach to challenges and set high standards for self and others.

Be part of it... motivation to improve the performance of our services and make a real difference to others' health and quality of life. To be part of it at Locala, a person needs to be community-minded, able to build relationships and seek to continuously challenge themselves.

The aim of this policy is to ensure that colleagues are confident that they can raise any matters of genuine concern, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately.

Locala have a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the organisation, we believe we can help prevent such situations occurring.

2. Purpose

The purpose of this policy is to ensure that when an incident occurs which does not uphold our values or contravenes an existing policy then the matter is dealt with appropriately and consistently.

This policy should be read in conjunction with other Locala policies including but not limited to; the Equality, Diversity and Inclusion policy, Speaking up: Freedom to speak up, raising concerns and whistleblowing policy, and the Safeguarding policy.

This policy should not be used to complain about dismissal or disciplinary action. If there is dissatisfaction with any disciplinary action, please refer to the appeal process under the Disciplinary Policy.

3. Target Population

This policy applies to all employees, including Medical and Dental staff, regardless of role, location and contractual status. It does not form part of any employee's contract of employment. It may be amended at any time and Locala may depart from it depending on the circumstances of any case. Locala does not have a responsibility to accept grievances from ex-employees.

4. Explanation of Terms

Grievance – A statement of complaint (can be written or verbal) over something believed to be wrong or unfair. Grievances may relate to the behaviour of management or that of other colleagues.

Investigating Manager - The Investigating Manager appointed to carry out an investigation in relation to a raised grievance.

ACAS – The Advisory, Conciliation and Arbitration Service or ACSAS is an independent public body that provides advice on resolving workplace conflicts.

5. Duties

5.1. Individual colleagues

Colleagues are responsible for reading, complying with and maintaining up-to-date awareness of policies as laid down in job descriptions and contracts of employment and for undertaking training as appropriate to enable them to comply with policies relevant to their roles and as colleagues of Locala.

5.2. Managers

It is the responsibility of all line managers to ensure that they and the people they manage are conversant with this policy and its contents. It is also the responsibility of managers to inform the HR Advisory team of any instances that fall within this policy as soon as is reasonably possible and to seek advice from the HR Advisory team at each stage of the process.

5.3. Responsible committee

It is the responsibility of the Workforce Strategy Implementation Group to monitor the implementation and effectiveness of this policy.

5.4. Chief Executive

The **Chief Executive** has overall responsibility for the strategic and operational management of Locala, including ensuring that the organisation's procedural documents comply with all legal, statutory and good practice requirements.

5.5. HR Advisory Team

The **HR Advisory Team** are responsible for providing managers and colleagues guidance and advice on the implementation of this policy.

5.6. Investigating Manager

The Investigating Manager is responsible for conducting a full and independent investigation into all aspects of a raised grievance.

6. Raising a Grievance

- 6.1. Most grievances can be resolved quickly and informally through discussion with the line manager. If colleagues feel unable to speak to their manager, for example, because the complaint concerns them, then they should speak informally to an equivalent or more senior manager or through a Speak up Guardian.
- 6.2. Colleagues are encouraged to be clear about their issues and the resolution they seek and to raise issues as soon as is reasonably practical.
- 6.3. Where suitable, facilitated discussions are an alternative to any formal process that might be used for resolving conflict. This is a method of conflict resolution that brings those in disagreement together with an objective third party who will assist the two parties to find a mutually agreeable solution. Facilitated discussions are voluntary and only work effectively when both sides take part in the process. This can be considered at any stage of the process.
- 6.4. Where a grievance is raised verbally, this should be followed up with the complainant to explore the grievance and the manager (not subject of the grievance) should decide what action is required. If formal action is required, the verbal grievance should be responded to in writing.

7. Written Grievances

- 7.1. If it is not possible to resolve a grievance informally, colleagues should raise the matter formally as soon as possible, without unreasonable delay with a manager who is not the subject of the grievance.
- 7.2. Colleagues should put their grievance in writing and set out the nature of their grievance. Where possible, this should be done using the grievance submission form (appendix 1).
- 7.3. The detail included within the grievance submission form should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations, further clarification or information of the subject matter of the grievance may be required.
- 7.4. Once a written grievance is received, the manager receiving the request should seek advice from the HR Advisory team.
- 7.5. If a former colleague wishes to submit a formal grievance, they must do so within 15 working days of leaving Locala's employment.

8. Meetings & Investigations

- 8.1. The receiving manager of the grievance submission form will send an acknowledgement of receipt as soon as possible. Following receipt of the

grievance, the manager receiving the grievance will investigate in the first instance (the investigating manager), however, if the manager is involved in the grievance then an independent investigating manager will be appointed.

- 8.2. The investigating manager may initiate an investigation into the facts before holding a grievance meeting with the colleague who raised the grievance, where this is appropriate and to the extent that the investigating manager considers necessary. In other cases, the investigating manager may hold a grievance meeting before deciding what investigation (if any) to carry out.
- 8.3. The amount and length of any investigation required will depend on the nature of the allegations and may include reviewing documents, meeting with the colleague who raised the grievance and/or other relevant parties. It is expected that all parties will cooperate fully in any investigation. This may include informing the investigating manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews as part of the investigation.
- 8.4. Where prior investigation is not required, the investigating manager will arrange a grievance meeting, normally within fifteen working days of receiving the written grievance. The purpose of the meeting is to enable the investigating manager to explore the grievance in more detail with the colleague who raised it and to understand how the colleague wants the grievance to be resolved. More than one grievance meeting may take place.
- 8.5. After the initial grievance meeting, the investigating manager may carry out such further investigations and/or hold such further grievance meetings as the investigating manager considers to be appropriate.
- 8.6. Colleagues may bring a companion to any of the meetings under this procedure and more detail on this right is set out in section 10. The companion may address the hearing to put forward and sum up the case on the behalf of the colleague, respond on their behalf to any views expressed at the meeting and confer with them during the hearing. The companion may not, however, answer questions on the colleague's behalf or address the hearing if the colleague does not wish it.
- 8.7. Colleagues must take all reasonable steps to attend any meetings. If they or their companion cannot attend at the time specified, they should inform the investigating manager immediately and reasonable efforts will be made to agree an alternative date and time.
- 8.8. Unreasonable delay in obtaining a companion or repeated postponement of a meeting may result in the meeting taking place without their preferred companion, or in their absence. It is the responsibility of the colleague who raised the grievance to ensure their companion attends the meeting. After two rescheduled meetings, Locala may hold the meeting in their absence, except where there are mitigating circumstances.
- 8.9. The investigating manager will inform the colleague who raised the grievance of the decision and of their right of appeal in writing within 10 working days of the final grievance meeting (which in some cases may have been the initial meeting). A further meeting may be held to provide this information to the parties

involved, but, in all cases, it will be confirmed in writing. The decision will set out, where appropriate, any action that Locala intends to take to resolve the grievance. This may include the holding of a facilitated meeting between parties to resolve differences.

- 8.10. If the investigation findings show that the grievance could be considered as vexatious or malicious, Locala may choose to instigate a disciplinary procedure against the colleague who raised the grievance.

9. Appeal

- 9.1. Should colleagues wish to appeal against a grievance outcome, they should do so in writing to the Head of HR, stating their full grounds of appeal, within 10 working days of the date on which the decision was provided to them.
- 9.2. An appeal hearing will be held, normally within two weeks after the appeal is received. The appeal should be dealt with impartially and, where practicable, by someone senior to the original hearing manager. Colleagues may bring a companion to the appeal hearing.
- 9.3. Where the appeal is in regard to a clinical matter, Locala reserve the right to deal with the appeal hearing at a panel that will include a clinical expert.
- 9.4. The final decision will be notified to the appellant in writing, as soon as possible following the appeal hearing. A further meeting to provide this information to the relevant parties may be held, but in all cases the outcome will be confirmed in writing. Following this, there is no further right to appeal.

10. Right to be accompanied

- 10.1. Colleagues may bring a companion to any meetings held under this procedure. The companion may be either a trade union official or a fellow colleague. Colleagues must tell the person holding the meeting who their chosen companion is in good time before any meeting. Colleagues are allowed reasonable time off from duties without loss of pay to act as a companion.
- 10.2. In some circumstances a choice of companion may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice the meeting. We may also ask colleagues to choose someone else if the meeting would have to be delayed for over five working days because the companion is unavailable.
- 10.3. Locala may, at its discretion, allow colleagues to bring a companion who is not a colleague or trade union official, (for example, a family member) where a reasonable adjustment is required to help overcome a difficulty, or where there is difficulty understanding English. The companion will not be allowed to act in a legal capacity.

11. Collective Grievance

- 11.1. Where an issue affecting two or more colleagues is raised in writing by a Trade

Union or a representative from the affected colleagues, it will be dealt with as a collective grievance.

- 11.2. Colleagues raising a collective grievance in the absence of a Trade Union representative should elect a colleague representative to act on their behalf at meetings. The number of colleague representatives should not exceed two.
- 11.3. When more than one Trade Union is involved in a collective grievance, a representative from each Trade Union should be involved but it is recommended that one representative is selected to lead the presentation of the case with input if necessary, from the other representative.
- 11.4. When a collective grievance is raised a meeting will be arranged by a member of the senior management team, involving the Trade Union or colleague representative at the earliest opportunity, to discuss the resolution as per the above formal process. If a resolution cannot be achieved at this meeting, the appeal stage above should be followed.
- 11.5. Consideration may be given by Trade Unions to involving full time officials and external mediators to resolve a collective grievance.
- 11.6. The final appeal stage should be replaced with the guidance below on conciliation and arbitration.

12. Conciliation and Arbitration in Collective Grievance

- 12.1. In the event of failure to agree and with the consent of both parties, the assistance of ACAS (The Advisory, Conciliation and Arbitration Service) will be sought. ACAS will operate in a conciliatory role and if unable to resolve the collective grievance then by mutual agreement, an independent panel made up of ACAS officials may arbitrate.
- 12.2. Both parties to the collective grievance will give full consideration to the final recommendations made by ACAS, with a view to seeking a mutually satisfactory solution.

13. Electronic Recordings

Locala do not electronically record informal or formal meetings and we do not expect colleagues to either. Covert recordings are not allowed, and colleagues are asked to respect the privacy of all individuals involved in the process. However, if there is a specific requirement to record a meeting this should be requested with justification at the start of the process so that it can be considered fully.

If any video or audio evidence is provided as a result of overt recording (out in the open recording) colleagues will be provided with a copy and/or a transcript of the recording. The information and recordings will be kept according to the Data Security and Protection Policy.

14. Other sources of support

Other sources of support are available for all parties involved through the Employee Assistance Programmes which can provide counselling support and Occupational Health.

15. Equality Impact Assessment

Locala Community Partnerships aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

An Equality Impact Assessment Tool is used during ratification processes to establish whether its policies and practices would further, or had furthered, the aims set out in the section 149 (1) of the Equality Act 2010. Any outcomes have been considered in the development of this policy.

If colleagues have difficulty at any stage of the grievance process because of a disability then reasonable adjustments will be considered and this should be discussed with their line manager or human resources as soon as possible. This includes if English is not a colleagues first language.

16. Consultation Process

A consultation process was carried out with key stakeholders in the development of this policy. These stakeholders included Human Resource colleagues, Price Waterhouse Cooper (PwC) and Partnership Forum.

17. Dissemination and Implementation

17.1. Dissemination

This policy will be placed in the relevant section of the Policies site on SharePoint. Communications will go out organisation wide through the Communications Team and training sessions will be available to brief colleagues on the content and use of the policy. Where a review is identified and any changes made, these will be communicated.

17.2. Competence/Training

- Managers will be coached and trained on the content of this policy and procedure following approval from the Policy Ratification Group
- Colleagues will be able to seek guidance and assistance on its implementation from the Human Advisory team as may be required

18. Monitoring Compliance with the Document

18.1. Process for Monitoring Compliance

The implementation of this policy will be monitored through the Workforce Strategy Group and the Workforce Dashboard. This will look at the number

of grievances raised and how they are dealt with.

18.2. Key Performance Indicators

- Line Managers have received training on the contents of this policy within the last 24 months
- Those featuring on Employee Relation Reports are being actively managed and there is documentary evidence of this
- Grievance outcomes have been fair and in line with policy and have not been successfully challenged by the employee.

Monitoring will be performed by Senior HR Advisor, in conjunction with Operational Managers/Head of Services. Although Employee Relation Activity rates will be monitored on a monthly basis, formal monitoring of the implementation of the policy will occur quarterly and reported in the HR dashboard shared with the Workforce Committee.

The HR dashboard report to the Workforce Committee will include and capture any theme and reasons for noncompliance and make recommendations on whether any cross divisional steps can be taken to make improvements.

Should the monitoring uncover any shortfalls in the implementation of the policy, the operational manager and HR will work with the relevant business units manager to draw up an action plan for improvement. This action plan may include:

- Additional training for the line manager and colleagues
- A risk assessment within the area of work
- A review of business unit management processes
- A review of the number of individuals within the business units responsible for Employee Relations processes.

19. Associated Policy Documentation

NB. There may be more recent versions of the policies or procedures named below so that these should be checked accordingly.

Equality, Diversity and Inclusion Policy

Speaking up: Freedom to speak up, raising concerns and whistleblowing policy

Safeguarding policies

Appendix One – Grievance Submission Form

Name:	
Job Title:	
Department:	
Work Telephone Number:	
Details of Grievance/Dispute:	
Desired Outcome:	
Colleague Signature:	
Date:	