

Healthwatch Hillingdon

Grievance Policy and Procedure

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It is the intention of Healthwatch Hillingdon to follow the ACAS Code of Practice on Disciplinary and Grievance, and this policy has been written in line with the Code of Practice.

1 POLICY

- 1.1 The Grievance Procedure is for employees who have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed. Grievances are complaints from employees about a duty owed to them by Healthwatch Hillingdon (HWH) either under the terms of their contract of employment, or via legislation. This policy does not relate to the Public Interest Disclosure Act 1998 (see Whistleblowing Policy and Procedure - HWH007)
- 1.2 HWH recognises that from time to time grievances may arise. For this reason a policy and procedure has been devised to manage the process of resolving grievances fairly, quickly and consistently in order to maintain excellent working relationships between all concerned. Managers and employees each have responsibilities and these are set out in the proceeding policy and procedure.
- 1.3 The Grievance procedure will enable individuals to raise issues with management. It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance but some of the more common include: terms and conditions of employment, health and safety, working relationships including bullying and harassment, new working practices, organisational change.
- 1.4 Where a grievance is about a matter not entirely within the control of HWH, such as client or stakeholder relationships, these will be treated in the same way as any other grievance with the investigation being taken as far as possible and action being taken if required, so that it is clear to any third party that HWH takes employee grievances seriously and action will be taken to protect employees.
- 1.5 HWH will treat any written complaint from an employee (i.e. letter, email, exit interview) as a grievance, which will trigger the use of this policy and procedure.
- 1.6 Most routine grievances are best resolved informally in discussion with the Line Manager. Dealing with grievances in this way can often lead to a speedy resolution of problems, which may well be dealt with more directly.
- 1.7 Where the grievance cannot be resolved informally, the employee should raise the matter under this procedure. Where the grievance involves their Line Manager or a senior member of staff, i.e. the Chief Executive Officer

(CEO), it may be necessary to involve the Board HR Lead or another Board member in the resolution of the grievance. This is to ensure that the employee does not lose their right to an appeal.

2 SCOPE

This policy applies to all HWH employees for grievances.

3 PROCEDURE - INFORMAL STAGE

Resorting to the formal stage of the grievance procedure should be the exception rather than the rule, as HWH would expect most issues to be resolved on an informal basis in an atmosphere of mutual respect and trust and confidence between the employee and their Line Manager.

In the first instance, the employee should informally discuss their concerns with their immediate Line Manager, specifically outlining the nature of their concerns, the person or persons involved (if applicable) and the resolutions they wish to seek. The Line Manager should take all reasonable steps to support and resolve these concerns at the informal stage.

4 PROCEDURE - FORMAL STAGE

- 4.1 Where the matter remains unresolved after being dealt with informally or the employee should submit written details of the grievance to the Line Manager who will be the Investigating Manager (Appendix 1 for guidance). The written submission should identify the nature of the grievance and the person or persons involved. The language used in raising the grievance should be factual and not insulting or abusive. This should be done without unreasonable delay after the problem has occurred. Where the complaint involves the Line Manager, the written grievance will be given to the CEO or Board HR Lead to deal with. This person will then be the Investigating Manager.
- 4.2 The Investigating Manager will arrange for a formal meeting to be held without unreasonable delay, ideally within 5 and no later than 10 working days after the grievance has been received.
- 4.3 The Investigating Manager will notify the employee of their right to make a reasonable request to be accompanied at the formal meeting by a colleague or a Trade Union Official. It will not be reasonable for the employee to request to be accompanied by someone whose presence could prejudice the meeting nor will it be reasonable to request to be accompanied by someone who works at another location if someone suitable on site is available and

willing to accompany. This request can be made verbally or in writing. If a companion cannot attend at the original time and date specified, the employee who has raised the grievance can suggest to the Investigating Manager a reasonable alternative time and date, so long as it is not more than 5 working days after the original meeting was due to take place.

- 4.4 Companions who are HWH employees will be given reasonable time off to attend the meeting and reasonable time off to familiarise themselves with the case and to confer with the employee before and after the meeting.
- 4.5 When arranging the meeting the Investigating Manager will consider whether the employee or their companion will need any reasonable adjustments to attend the meeting. The Investigating Manager will ascertain whether any similar grievances have been raised before and how they have been resolved to allow for consistency of treatment. The Investigating Manager will also arrange for someone who is not involved in the grievance to take notes of the meeting and act as a witness to what is said.
- 4.6 The Investigating Manager and the employee who has raised the grievance should make every effort to attend the formal meeting. The meeting should be viewed as an occasion when discussion and dialogue may lead to an amicable solution. At the meeting, the employee will be allowed to explain their grievance and how it might be resolved. The Investigating Manager should make allowance for any reasonable 'letting off steam' if the employee is under stress.

If there is a companion present the companion can also address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. However the companion cannot answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the manager to whom the grievance relates from explaining their case. At the end of the meeting the Investigating Manager will sum up the main points and tell the employee when they might reasonably expect a response.

Where the Investigating Manager wants to carry out further investigation, the meeting can be adjourned.

- 4.7 Once the meeting has been completed (including reconvening following an adjournment), the Investigating Manager will then consider all evidence and respond without unreasonable delay and no later than within ten working days to the employee who has raised the grievance. The response will be in writing to the employee and will where appropriate set out what action

HWH intends to take to resolve the grievance. Copies of meeting minutes will be included with the letter and any witness statements taken (except where HWH considers that releasing such a statement might be harmful to a witness). Where the response requires disciplinary action, the investigating manager will present the notes of their grievance investigation to the appropriate person which may then form all or part of the investigation process for disciplinary action (please refer to Disciplinary Policy and Procedure - HWH001).

- 4.8 Where the employee remains dissatisfied with the response to the grievance under the first stage of the process, they shall have the right to appeal in writing within five working days under the appeal stage of the process.

5 APPEAL STAGE

- 5.1 Where the employee feels that their grievance has not been satisfactorily resolved the employee should submit a written statement to the CEO appealing the outcome of the grievance and giving the grounds for their appeal (Appendix 3 - Form Griev B). This should be submitted within five working days of the receipt of the outcome letter.
- 5.2 An appeal meeting shall be convened without unreasonable delay at a time and place which should be notified to the employee in advance. The employee will be notified of their right to reasonably request to be accompanied at the meeting (please refer to point 4.3 above)
- 5.3 The meeting will be chaired by the CEO with the Investigating Manager appointed at the first stage, the employee and their companion where appropriate present. The purpose will be to review the response given to date and the decision that has been taken. In light of the information available from both the employee and Line Manager, a further response to the appeal will be provided in writing to the employee without unreasonable delay but no later than five working days after the appeal hearing.
- 5.4 The decision will be final and there shall be no further course of appeal.

6 OTHER INFORMATION

- 6.1 Where the Grievance is against the CEO, the Board HR Lead will be required to respond to the grievance and act as the Investigating Manager. In the event of an appeal against the decision, two board members unconnected with the grievance will sit to hear the appeal.
- 6.2 The decision of the panel will be final and binding.

- 6.3 This policy does not apply to collective grievances i.e. those raised on behalf of two or more employees.
- 6.4 Where appropriate, mediation may be used as a way of resolving a grievance. Please refer to Appendix 4, When to Use Mediation. If mediation is suggested at any stage in this procedure then other formal procedures will be put in abeyance whilst the mediation takes place.

7 RECORDS

- 7.1 Any records should be kept detailing the nature of the grievance raised, the employers' response, any action taken and the reasons for it. These records will be kept confidential and retained in accordance with the Data Protection Act 1998, which requires the release of certain data to individuals on their request. Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.

APPENDIX 1 - Guidance Notes, Submitting a Grievance

In the absence of forms, employees with a grievance are requested to write under first stage outlining the specific areas detailed under the Stage that is applicable to them, i.e. the letter should therefore outline:

- The nature of the grievance
- The person(s) involved
- Details and dates applicable to the grievance
- Any supporting evidence
- The resolution/outcome desired
- The stage at which this grievance is being raised
- Any action taken prior to raising the grievance at this level

The letter should be signed and dated and submitted in accordance with the procedure. However, any written complaint should be dealt with in line with the grievance procedure.

APPENDIX 2 - FORM GRIEV (A)

Grievance raised by:

Grievance raised on:

Grievance raised against (if applicable):

Investigation details

Date of investigation	Name and position of person spoken to for investigation purposes	Investigating Manager Name:

Signed _____

Date _____

APPENDIX 3 - FORM GRIEV (B)

(to be used at appeal stage if grievance not resolved at first stage)

Date

To: (Director)

Dear

I wish to appeal against the finding of the grievance investigation The details of my grievance and reasons for appeal are shown below:

Supporting evidence:

Action taken prior to raising grievance:

I wish this matter to be resolved as follows:

I first raised this grievance on (date). I am not satisfied that the issue has been resolved, therefore I wish to proceed to the appeal stage. I request that you convene a meeting with myself and (name of investigating manager).

Date (up to 5 days following receipt of written confirmation of outcome of grievance hearing)

Yours sincerely

APPENDIX 4 - When To Use Mediation

There are no hard and fast rules about when mediation is appropriate. Mediation is a voluntary process when 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 other wrong, or to tell those involved in mediation what they should do. The Mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Mediation may be appropriate when:

- there is conflict between colleagues on similar grades or between a line manager and their team.
- at any stage in a conflict where the ongoing formal procedures are put in abeyance.
- to rebuilt relationships after a formal dispute has been resolved.
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

Mediation may not be suitable if:

- Used as a first resort as encouragement should be given to sorting out issues directly with each other and informally.
- It is used by a manager to avoid their managerial responsibilities.
- A decision about right or wrong is needed for instance where there is possible criminal activity.
- The employee bringing a discrimination or harassment case wants it investigated. The parties do not have the power to settle the issue.
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

HWH will only use mediators who have an ACAS certificate of mediation.