

Worcestershire Acute Hospitals NHS Trust

Grievance Policy

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What this Policy Covers

Worcestershire Acute Hospitals Trust is fully committed to ensuring that you are managed in a supportive, consistent, fair and effective way.

This policy is designed to support colleagues who wish to raise a grievance and support managers with the action they need to take if a grievance is received.

A grievance is any concern, problem or complaint relating to your employment and includes issues relating to equality and inclusion. It is important to the Trust that our colleagues are fully supported, so please talk to a trade union representative, HR representative or staff advocacy services at the earliest opportunity. Grievance matters will be treated as strictly confidential between those concerned and full records will be kept.

Further information about what to do next, including template forms and letters and details of what to expect during the grievance process can be found in the [Grievance Policy Toolkit](#).

Which problems does this policy cover?

Any employment-related concerns.

Examples would be (but are not limited to):

- terms and conditions of employment (except those which are nationally negotiated or due to HMRC rules)
- health and safety issues
- new working practices
- organisational change
- equal opportunities
- dissatisfaction with an action your manager has taken or proposes to take
- issues relating to outcomes raised under other policies where stage 3 of the grievance process is stated as the appropriate appeal mechanism.

If a breakdown in working relationships occurs, please refer to the Dignity at Work Policy.

Which issues are not covered by this policy?

- Any outcome of a disciplinary, sickness or performance management process as these matters have separate appeal processes.
- Any issues relating to Public Interest Disclosure - refer to the Freedom to Speak Up Policy.
- Grievances which have previously been managed.
- Any issue outside WAHT responsibility.

If you feel that you are being harassed, victimised or the subject of discrimination, you should use the process explained in the Dignity at Work Policy. If you are dissatisfied with the outcome of the dignity at work process, the appeal process follows the grievance appeal process. If you do not gain the desired outcome following the appeal process under the Dignity at Work Policy, the same issues cannot then be raised under the Grievance Policy.

If you raise a grievance whilst you are undergoing another HR process, this may be temporarily suspended to deal with the grievance, if the matters are related both processes may run together.

Collective grievances

If more than one person raises a grievance and they are seeking resolution as a group, it may be raised as a collective grievance under this policy. If this is a formal grievance, normally any planned changes that caused the grievance will be suspended until it has been considered, with the status quo maintained.

However, in some circumstances this may not be possible or advisable, because it may risk breaching statutory, mandatory or regulatory obligations, or delays might compromise patient safety. In such exceptional cases, management reserves the right to implement the change. The situation will be explained to you and your representative, and your concerns will continue to be listened to and addressed where possible.

Policy In Practice

Stage 1 – Informal stage

In the first instance, promptly and as soon as they are identified, you should raise any problems with your line manager (or their manager if the issue involves your line manager).

You will need to outline the concerns in writing and provide as much information as possible, explaining:

- the nature of the problem
- dates and times
- names of any witnesses
- any action already taken
- any resolutions you can think of or would like to see.

A template form for this can be found in the [Grievance Policy Toolkit](#).

Upon receipt of the informal grievance, the manager will arrange a confidential meeting with you within 7 calendar days of receipt of the grievance information, to fully understand the issue(s) and discuss next steps so that the problem can be resolved informally where possible. Where necessary, the manager may speak to other parties or carry out fact-finding to establish the nature of the grievance and consider the most suitable resolution.

Once the meeting and any fact finding has been completed, your manager will write to you to outline potential resolutions and a way forward. This will usually be within 14 calendar days of receipt of the grievance information.

Your letter will also confirm what you can do if you're not satisfied with the outcome and wish to proceed to the formal stage.

Informal Resolution

A Facilitated Conversation or Mediation may be appropriate. If this would help to resolve the issue or concern, then it is important that this is considered before moving to the formal stage. Please refer to the guidance for Facilitated Conversation and Mediation for further information. Advice can also be sought from HR or your trade union representative.

Stage 2 – Formal stage

If the informal process did not resolve the issue, you may wish to raise a formal grievance. You will need to send formal grievance letter to the manager who dealt with the informal grievance within 7 calendar days of receiving the letter confirming the outcome of the informal stage. A formal grievance can also be raised if you feel that the matter cannot be dealt with informally.

A template letter can be found in the [Grievance Policy Toolkit](#).

If you are uncomfortable or having difficulties putting the concerns in writing, you can talk to your line manager (or another appropriate senior manager), the HR Advisory team or trade union representative or staff advocacy services. If preferred, you can send the formal grievance form direct to HR Advisory.

The formal grievance form will be acknowledged as soon as it has been received and forwarded to an appropriate independent manager and HR. The independent manager will be supported by a HR representative and will arrange a formal grievance meeting with you. Any relevant information / statements that you wish to be considered as part of the formal stage should be submitted with the grievance notification form.

The formal grievance meeting will be arranged as soon as possible – without any undue delay and normally within 14 calendar days. The HR representative supporting the independent manager will arrange for the simultaneous exchange of information submitted by you and the manager who dealt with the informal grievance at least 7 calendar days prior to the formal meeting.

At the formal grievance meeting, the independent manager will consider the formal grievance form, allowing you to expand on the concerns you have outlined and review any further documentation provided. The independent manager will decide whether further fact-finding is needed or whether further witnesses should be interviewed, so that a decision as to the most suitable outcome or resolution can be reached. You should have in mind what resolution you are seeking, so that it can be considered.

Depending on the nature and seriousness of the concerns raised, interim support measures may need to be considered while the fact-finding takes place, such as a temporary change to duties or a move for those involved.

Where further fact-finding is required, you will be kept informed of the progress and the likely date when you can expect to hear from the independent manager. Once complete, the independent manager will contact you to inform you of their findings and outcome, including next steps. Any further information will be exchanged 7 calendar days prior to the reconvened meeting.

Where the outcome involves other colleagues, they will also be contacted to discuss outcomes/next steps, but usually after the colleague who has raised the grievance has been informed. The outcome will be confirmed in writing to all parties, usually within 7 calendar days of the meeting and include:

- a summary of findings, responding to all points
- any recommended actions (due to data-protection restrictions management will not be able to advise you of the precise action taken against other individuals as a result of the grievance)
- the outcome, which will be one of the following:
 - find in favour of all grounds – grievance upheld
 - find in favour of some, but not all grounds – grievance partially upheld
 - do not find in favour of any grounds – grievance not upheld.

A template response letter for the manager can be found in the [Grievance Policy Toolkit](#).

Stage 3 - Appeal

You can appeal if you have strong grounds to believe:

- the procedure has not been followed correctly
- the decision reached was not objective or fair
- the decision was not appropriate considering the evidence presented

Appeals must be made in writing within 7 calendar days of receiving the outcome letter and should be sent to the Deputy Director of People and Culture. A template appeal form can be found in the [Grievance Policy Toolkit](#).

You will receive acknowledgement and then an appeal meeting will be arranged at which a panel is convened.

The panel will be arranged to hear the appeal, normally within 14 calendar days of receipt of the written appeal. The appeals panel will include an appropriate independent Director and Senior Manager and HR representative.

All parties concerned will be invited to be present at the appeal meeting and copies of any evidence, statements, meeting notes and responses from earlier stages will be provided to the appeals panel and all parties at least 7 calendar days before the meeting.

Written confirmation of the decision made by the appeal panel will be sent within 7 calendar days of the meeting. There will be no further right of appeal.

This ends the grievance process.

Time Limits

The time limits included in this policy are in place to try and resolve the issue as quickly as possible.

A grievance that refers to a matter that occurred three months or more before the grievance was raised shall be considered to be time expired and will not be dealt with under this policy. If there is evidence to prove that the time lapsed is due to an attempt to resolve the issue informally, further consideration will be given.

Should there be unavoidable delays or if by mutual agreement the timescales are extended, then you should be provided with a written explanation and should be advised of the anticipated timescales.

Rights for a colleague to be accompanied

At the informal and formal stages of this policy, you are entitled to be accompanied by your trade union representative or a colleague. There are differences between these accompanying roles, and we recommend colleagues take advice to ensure this is fully understood. It is your responsibility to arrange who you wish to accompany you, and to inform the manager, who is managing the grievance, this will be in good time before any of the meetings.

Withdrawing a grievance

You may decide to withdraw a grievance at any time. Before any decision to withdraw is taken, the manager or the HR Advisory Team or your trade union representative may seek to understand the reasons for withdrawal. Depending on the nature and substance of the grievance, the Trust may feel it is necessary to follow up on the issues raised, even if you do not wish to pursue it.

Leaving employment

If you decide to leave the Trust's employment and have raised a grievance, the Trust will still consider the grievance and provide a response in writing.

Grievances submitted after you have left the Trust will be considered outside the scope of this policy.

Professional Advice

It may be beneficial for a manager to seek the advice of an independent technical adviser to provide further guidance/ evidence as they deem appropriate during all stages of the policy including attendance of professional advisors at meetings. All parties will be advised in advance.

For all supporting documentation and further guidance, please click below to access.

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

[HR Key Documents Supporting Documents](#)

[Grievance Policy Toolkit](#)