

Grievance Policy

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Grievance Policy

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Grievance Policy

1. Introduction

- 1.1. BrisDoc believes that all employees should be treated fairly and with respect but recognises that occasionally employees may have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with management.
- 1.2. The aims of this Grievance Policy and Procedure are to:
 - Explain the nature of a grievance, so that employees understand the circumstances in which the Grievance Procedure should be used;
 - Confirm BrisDoc's approach towards grievances; and
 - Provide a framework within which employees can raise their concerns informally and formally and have them resolved promptly and fairly.
- 1.3. BrisDoc understands the importance of resolving problems before they can develop into major difficulties. Grievances are best dealt with at an early stage, informally, with the immediate line manager.

2. Purpose

It is our policy to ensure that all employees have access to a procedure to help deal with any grievances, raised in good faith, relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Patient Care 	Workforce Care 	Patient Care Patient focused - understanding our patients needs and ensuring we prioritise the "patients view" in all our everyday activities and actions.
Quality Care 	Resource Care 	Workforce Care Teamwork and individual responsibility - every person counts, supporting each other, sharing information, valuing and encouraging.
		Quality Care Commitment to do what we say and improve what we do. A commitment to excellence and quality when serving patients and colleagues.
		Resource Care Optimising the use of all resources across the local health economy. Taking care of our working environment and equipment.

In line with our four focus areas, we are committed to:

- Patient care
 - Dealing with grievances promptly and seriously so the individual raising the grievance can continue providing excellent patient care.
- Workforce Care
 - Ensuring that our staff who raise a grievance are treated with respect and dignity and not discriminated against.
 - Ensure that staff are offered appropriate support as required.
 - Recognising that staff who raise a grievance do so through courage therefore the grievance will be taken seriously and managed in line with this policy.
 - Training all managers in the process of handling grievances
- Quality Care

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- Ensuring that we comply with relevant employment legislation i.e., Equality Act 2010.
- Ensuring we comply with the ACAS Code of Practice on Grievance.
- Resource Care
 - Ensuring legal compliance in order to avoid implications of litigation.
 - Dealing with grievances promptly and seriously so the individual raising the grievance can continue providing appropriate service and resource.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

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3. scope

3.1 This policy applies to all employees i.e. those employed on a permanent or fixed term contract. It does not apply to casual workers, volunteers or independent / self-employed contractors. However, casual workers or independent / self-employed contractors may raise matters of personal concern in respect of their association with BrisDoc with the relevant manager for each period of engagement. If individuals need to raise an issue regarding an external contractor, please do so with your line manager in the first instance who will take to the service provider as appropriate.

3.2 BrisDoc recognises that the following issues (although this list is not exhaustive) may cause grievances, and as a result, will subsequently apply this policy:

- Terms and conditions of employment.
- Health and safety.
- Work relations.
- Bullying and harassment.
- New working practices/procedures.
- Working environment.
- Organisational change.
- Discrimination.
- Equal opportunities.

3.3 This policy will not be applicable for issues such as:

- matters which are being dealt under BrisDoc's Disciplinary Procedure or Managing Performance Policy.
- legislative matters where BrisDoc has no jurisdiction.
- matters outside BrisDoc's control as an employer, for example income tax, national insurance, government policy.

3.4 This policy and procedure allow for a grievance to be dealt with or referred to the next stage within a reasonable time frame. Every effort will be made to resolve or progress any issues to the next stage as quickly as possible.

3.5 If a grievance is raised in line with this policy & procedure the status quo will apply until the procedure has been completed or the grievance resolved. The status quo is defined as the working and management arrangements which applied prior to the grievance.

3.6 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

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- 3.7 Employees are advised to seek advice from the Workforce Department, and a trade union representative, if appropriate.
- 3.8 Managers should contact the Workforce Department for advice on how to resolve grievance issues.

4. Informal Discussions

- 4.1 Most grievances can be resolved quickly and informally through discussion with any colleague concerned (for example, if your complaint concerns the behaviour of a colleague), or ultimately, your line manager (if you would like your line manager to intervene or attempt to resolve the situation). If you feel unable to speak to your manager, for example, because the complaint concerns him/her/them and you do not feel able to raise it with him/her/them, then you should speak informally to a more senior manager. In either case the manager will consider and discuss all possible resolutions to the problem with the employee and attempt to resolve their issue as quickly as possible. BrisDoc hopes that most concerns will be resolved at this stage. If this does not resolve the issue, you should follow the formal procedure below.
- 4.2 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised in the grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree. If this is unsuccessful, or circumstances make this route inappropriate for the individual, then matters should be raised formally.

5. Formal procedure

5 Inform your employer of the grievance

- 5.1.1 If you feel that the matter has not been resolved through informal discussions, you should raise it formally with your line manager. The best way to do this is by stating the nature of your grievance in writing. If the grievance is against your line manager you should approach a more senior manager. This letter should be copied to the Workforce Department.
- 5.1.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. You should also let us know what you would like to achieve as an outcome. In some situations, we may ask you to provide further information.
- 5.1.3 Assistance can be provided for employees who either have a disability, issues with literacy, or where English is not their first language, in the formulation of a written formal grievance.
- 5.1.4 Where more than one employee is affected by the same complaint, a nominated representative may submit a collective grievance on their behalf. This negates the need for each employee to raise an individual grievance of their own. A collective grievance should contain the name of the representative who is complaining on behalf of the employees. It should also name the employees on whose behalf the grievance is being raised.

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6 Investigation

- 6.1.1 It may be necessary for us to carry out an investigation into your grievance, an investigatory manager who may be your line manager, will be appointed. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
- 6.1.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 6.1.3 In order for us to complete a successful investigation you will need to participate fully in a timely manner. We recognise that there may be grievances of a sensitive nature that will require additional support.

7 Grievance Hearing

- 7.1.1 Following any required investigation, the investigatory manager will write to you to notify you of the time, date, and venue of the Grievance Hearing.
- 7.1.2 You will be informed that you have a statutory right to be accompanied (see section 5.4).
- 7.1.3 You will also be informed of who is attending the meeting. This will normally be the investigatory manager, accompanied by a member of the workforce team, the employee and their companion.
- 7.1.4 You should ensure that you attend the meeting at the specified time but if you are unable to attend because of circumstance beyond your control, you should inform the investigatory manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.
- 7.1.5 If you or the manager wishes to invite witnesses to attend the hearing to give evidence, they must inform each other in writing, who the witnesses will be, at least 3 days prior to the date of the meeting.
- 7.1.6 At the meeting you will be given every opportunity to explain your case fully. The approach at this meeting will be supportive with the aim of identifying the reasons for the grievance and reaching a resolution to the satisfaction of all parties.
- 7.1.7 If the investigatory manager conducting the meeting feels that the meeting should be adjourned in order for further investigation to take place, he/she will suggest this.

8 Right to be accompanied

- 8.1.1 You may bring a companion to any grievance investigation meeting, hearing or appeal hearing under this procedure. The companion may be a work colleague, who is not their partner/spouse or another family member or, a trade union representative. We may, at our discretion, allow you to bring a companion who is not a colleague or union representative if this will help overcome any specific barriers to ensure that you are able to participate fully in the process. We will also allow interpreters / signers to attend as required. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

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- 8.1.2 If an employee wishes to be accompanied by a work colleague, that colleague is under no pressure to act in this capacity, nor will they be adversely treated for doing so.
- 8.1.3 Should an employee wish to be accompanied by a work colleague, BrisDoc will allow this colleague to take time off during working hours to accompany the employee to a grievance/appeal meeting.
- 8.1.4 It is the employee's responsibility to secure the attendance of their companion. If their representative cannot attend the proposed date of the grievance/appeal meeting, BrisDoc may, if requested, agree to reschedule provided that the request is reasonable, and the meeting / hearing takes place no more than 5 working days after the original time scheduled. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 8.1.5 The employee's companion may address the hearing and confer with the employee but should not answer questions on behalf of the employee.
- 8.1.6 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

9 Appropriate action

- 9.1.1 Following the grievance hearing, the manager will inform you, in writing, any action that will be taken to resolve your grievance. You will receive this decision within 5 working days of the grievance hearing. If this time frame cannot be met, you will be given an explanation for the delay and will be told when a response can be expected. You will also be informed that you have the right to appeal against this decision and to whom you should address this appeal.

10 Right to appeal

- 10.1.1 If you feel that your grievance has not been satisfactorily dealt with, you have the right to appeal. You should address your appeal, in writing, to the appropriate manager, within 5 working days of receiving the decision reached as a result of the grievance meeting. You must outline the grounds for your appeal and how you believe it should be settled.
- 10.1.2 Appeals will be heard promptly, ideally no later than 14 days from receipt of the letter of appeal. You will be informed of the time, date, and venue of the appeal hearing and who will be chairing and attending the appeal hearing, in writing. You have the right to be accompanied at an appeal hearing.
- 10.1.3 The appeal will be heard by one or more managers who have not previously been involved in the case and who are at a more senior level than those previously involved.
- 10.1.4 At the meeting, you and the investigatory manager will have the opportunity to present the case. The investigatory manager will normally be accompanied by a member of the Workforce team and the employee has the right to be accompanied - see section 5.4.
- 10.1.5 No new material may be introduced at this meeting.
- 10.1.6 Unless there are exceptional circumstances, the employee will be informed of the decision reached by the chair, in writing, as soon as is practicable, but no later than 7 working days after the appeal meeting. This decision is final.

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6. Keeping records

6.1 Records will be kept detailing:

- the nature of the grievance raised
- what was decided and any actions taken
- the reasons for the action
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments

6.2 Records will be kept confidential in the personnel file of the employee who has raised the grievance.

6.3 The employee and their representative will be given a copy of any records of meetings including appeal hearings, held under this procedure (subject to any necessary constraints, e.g., for the protection of other individuals, consistent with the requirements of the Data Protection legislation).

6.4 Records will be treated as confidential and kept in accordance with the Data Protection Act 1998.

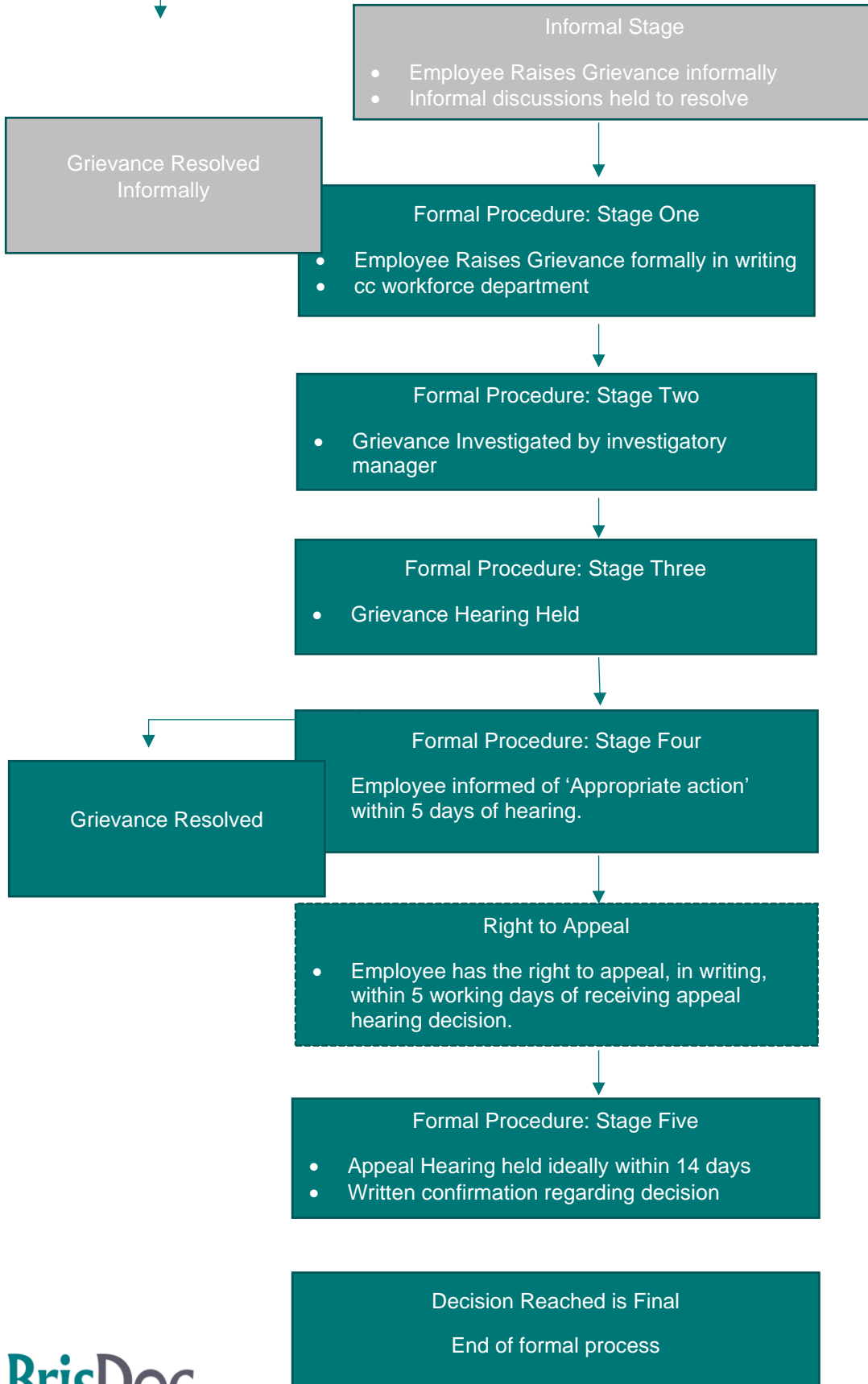
7. Support

Grievances can be challenging for all parties involved, BrisDoc is committed to providing appropriate support in these situations. In addition to the workforce team, support can be accessed via a variety of routes:

- Mindful Employer Helpline – a confidential, anonymous helpline available by calling 0300 555 6006.
- Wellbeing Hub: [The Staff Wellbeing Hub – Radar \(radar-brisdoc.co.uk\)](https://radar-brisdoc.co.uk)
- ACAS: provide a workplace helpline where individuals can talk through their options – 0300 123 1100.
- Union / professional bodies: those staff that are members of a union or professional body may wish to contact these organisations for additional guidance and support.

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APPENDIX 1: FLOW CHART OF GRIEVANCE PROCEDURE



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Related Policies:

- Equality & Diversity Policy
- Religious & Cultural Policy
- Whistleblowing Policy and Procedure
- Disciplinary Policy and Procedure
- Bullying and Harassment Policy and Procedure
- Training and Development Policy and Procedure
- Social Media Policy

Change Register

Date	Version	Author	Change Details

The following changes have been made between the November 2015 (v5) Grievance Policy and the June 2021 (v6) Grievance policy.

Section	Change
1.2	Information added
2	Purpose updated
3	Definitions amended to Scope
3.6	Updated to reflect current ACAS guidance
4.1	Changed from "BrisDoc encourages employees, who have a grievance about their employment, to discuss the issue informally with their line manager in the first instance. This helps concerns to be heard and responded to as soon as possible. The manager will consider and discuss all possible resolutions to the problem with the employee and attempt to resolve their issue as quickly as possible. BrisDoc hopes that most concerns will be resolved at this stage." To current wording.
4.2 & 4.3	4.3 incorporated into 4.2
5	Removed requirement for formal procedure to be completed in 28 days.

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5.1.2	Wording amended from “This letter should state the nature of your grievance and an indication of the outcome sought.” To current wording.
5.1.4 & 5.1.5	Added
5.2	Investigation section added in replacement of “Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made, although the confidentiality of the grievance process will be respected, wherever possible. If any evidence is gathered during these investigations, you will be given a copy long enough in advance of the hearing to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential.”
5.3	Right to be accompanied moved to 5.4 (from 5.6). Updated to reflect scope to bring family member if required for those with specific needs.
5.3.1	Updated
5.3.2	Removed “If an employee wishes to be accompanied by a work colleague, they must first make a reasonable request to the Workforce Department.”
5.6	Right of appeal detail updated to include a single appeal manager. Remove need for non-exec within appeal process.
7	Added
Appendix	Flowchart updated