



London Ambulance Service **NHS**
NHS Trust

Grievance Policy

DOCUMENT PROFILE and CONTROL.

Purpose of the document: The document's purpose is to set out the policy and procedure to address matters of grievance.

Sponsor Department: Human Resources

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01/04/09	2.0	Senior HR Manager (South)	Amendments in line with Employment Act (1988)
01/11/06	1.0	HR Manager (Policies and Projects)	Major – First approved version

***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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Links to Related documents or references providing additional information		
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1 Introduction

1.1 During normal working relationships there will be times when employees raise concerns, problems or complaints with their managers. Most of the time, such problems can be dealt with informally through discussion with the manager or supervisor.

1.2 However, some grievances have to be dealt with formally and this Policy is aimed at ensuring that they are addressed in a fair, efficient and consistent manner.

2 Scope

2.1 This Policy applies to all employees, and has been designed to provide a fast and effective mechanism for dealing with employee grievances.

2.2 It does not apply to:

- Situations covered by policies and procedures where there are already decision review or appeal mechanisms in place;
- Raising concerns under the Public Interest Disclosure Act (1998) – these should be addressed through the Trust’s Whistleblowing Policy;
- When the grievance applies to one or more members of staff, and it is jointly agreed that the matter is such that it is more appropriate to deal with it through collective discussions;
- And, where separate policies and procedures exist for addressing an issue.

2.3 Objectives

2.4 To provide guidance in circumstances when any member of staff wishes to raise a grievance.

2.5 Responsibilities

2.6 Managers are responsible for the effective management of the Grievance Procedure once an employee has raised a grievance.

2.7 All involved in a Grievance matter are expected to work within the detail and spirit of this Policy.

3 Legal/statutory considerations

3.1 This Policy is based on the ACAS Code of Practice on Disciplinary and Grievance Matters and The ACAS Guide to Discipline and Grievances at Work. These documents can be accessed at: www.acas.org.uk

4 General

- 4.1 The aim of this Policy is to settle any grievance effectively within reasonable timescales, and at a level that is as close as possible to its origin.
- 4.2 Registration of a grievance under this procedure should not prevent or postpone disciplinary action being taken against an employee.
- 4.3 It is recognised that dealing with grievances can be difficult for all concerned. This Policy is aimed at ensuring that all parties feel that they have had their views properly considered.
- 4.4 As an alternative to dealing with the matter as a grievance, and when appropriate, informal resolution of issues may be pursued when all parties agree in advance to this. This may be particularly appropriate in circumstances such as working relationship breakdown or personality clashes. This may be considered at any stage of the Grievance Procedure.
- 4.5 Such informal resolution may also be considered following the outcome of a grievance as a means of helping those involved to 'move-on' with their working relationships. Again the agreement of all parties would be a pre-requisite for this approach.

5 Informally raising concerns

- 5.1 In the first instance, employees are encouraged to resolve grievances informally, and as soon possible, with their line manager/person who has made them aggrieved. Members of staff should be as clear as possible both about the nature of their concern(s) and what it would take to resolve the issue(s).
- 5.2 If an employee has a grievance then it might be helpful for him or her to write down the issue(s) of concern. This needn't be shared with anyone, but putting it in writing may help the employee to clarify their own thinking and help them to verbally express any concerns to their manager.
- 5.3 Members of staff may wish to speak confidentially to a Human Resources advisor, Trade Union representative or other sources of help such as a LINC (Listening, Informal, Non-judgemental, Confidential) worker when considering whether to pursue a grievance matter.
- 5.4 Managers should do all they can to ensure that the issue is properly considered on an informal basis. A room should be used that allows confidentiality and an uninterrupted time period to allow effective discussion of the issue. If there are difficulties in resolving issues at this meeting then it may be adjourned to allow time for further consideration/investigation etc.
- 5.5 If the grievance cannot be settled informally then the employee may raise it formally (see Section 7).

6 Investigation

- 6.1 At any point within the procedure, it may be appropriate to carry out some investigation of the issues involved. This may include interviewing any parties

individually prior to the meeting at the informal stage or any hearing/appeal at the formal stage.

7 Formal Grievance Procedure

Guidelines on hearings and appeals

- 7.1 Appendix 1 sets out guidelines on carrying out grievance and appeal hearings.

Resolving issues

- 7.2 Whilst the Formal Grievance Procedure has two stages, every effort should be made by all persons involved to try to resolve the issues as promptly, and as close as possible to their origin, as possible. On receiving a grievance, managers on review of the information should satisfy themselves that, in appropriate cases, efforts have been made to resolve the issues informally.

Referral of the grievance to an earlier stage

- 7.3 Managers, on receiving a grievance at the Second stage, should satisfy themselves that reasonable efforts have been made to resolve the issue at the first stage. To establish this, it may involve a review of the paperwork or contacting those involved for further information.
- 7.4 If there does not appear to have been adequate consideration of the matter on either side, then, in exceptional circumstances, the manager may refer the matter back with the instruction to the relevant line-manager that further consideration of the grievance takes place.
- 7.5 Any re-consideration of the matters should be carried out promptly and a record made of any outcome. If the issue is resolved then the decision should be confirmed in a letter to the employee.
- 7.6 If those parties are still unable to resolve the matter then it will be considered at the next stage of the procedure (i.e. the stage at which the grievance would have been considered, had the matter not been referred back for further consideration).

8. Formal Grievance Procedure First Stage - raising a grievance

- 8.1 Employees may have previously raised their grievance in a format other than on an official form e.g. verbally or by email. However to assist the formal consideration of the issue then employees should be encouraged to complete the Formal Grievance Form (appendix 2). All relevant parts of the Form should be completed including details of the redress that the employee is seeking. If, for whatever reason, an employee has difficulty recording his or her grievance in writing then the individual is encouraged to seek help from a colleague or trades union representative.

- 8.2 Every effort should be made to state the facts as the employee perceives them on the Formal Grievance Form and to avoid language which may be considered insulting and/or abusive.
- 8.3 The employee should normally raise a grievance with their supervisor or line manager. If the complaint is about the supervisor or manager, then it should be raised with the next-in-line manager. The formal grievance should be raised by giving the manager the completed Formal Grievance Form. A copy of this form should also be sent to Human Resources by the employee.

The Grievance hearing

- 8.4 On receiving the formal grievance, the chairperson, who will usually be the manager who received the Formal Grievance Form, should write to the employee and any other relevant persons, inviting them to the grievance hearing. This letter should be sent within seven working days of receipt of the grievance. The employee should be informed that they have the right to be accompanied by a trades union representative or work colleague. Legal representation is not allowed.
- 8.5 If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the manager. This five day time limit may be extended by mutual agreement.
- 8.6 When possible, all parties should be informed of the decision at the end of the hearing.

Letter following First Stage hearing

- 8.7 Following the hearing, the chairperson will write to the employee outlining the decision.
- 8.8 This decision letter should be sent within five working days. If it is not possible to respond within five working days then the employee should be given an explanation for the delay and told when a response can be expected.
- 8.9 The letter will inform the employee that they have the right to appeal against the decision if they are not satisfied with it. It will state to whom any appeal letter should be sent – this will usually be the next-in-line manager, and the time limits i.e. that any appeal letter should be sent within five working days of receipt. The employee should also be informed that if he/she wishes to appeal then a copy of the letter should be sent to Human Resources.

9. Formal Grievance Procedure Second Stage – Appeal

- 9.1 On receipt of an appeal, a letter should be sent by the receiving manager to the employee and other relevant persons. This letter should be sent within seven working days of receipt of the appeal. The letter should inform them of the arrangements for the Second Stage hearing. This letter should also inform the employee of their right to be accompanied by a trade union representative or work colleague.

- 9.2 The appeal hearing will be considered by a panel comprising of a manager (more senior than the manager who chaired the First Stage hearing) and an appropriate HR representative. The purpose of the appeal hearing will be to formally review the previous decision.
- 9.3 If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the manager. This five day time limit may be extended by mutual agreement.
- 9.4 When possible, all parties should be informed of the decision at the end of the hearing.

Letter following Second Stage Hearing

- 9.5 Following the hearing the chairperson will write to the employee outlining the decision regarding the appeal.
- 9.6 This decision letter should be sent within five working days. If it is not possible to respond within five working days, then the employee should be given an explanation for the delay and told when a response can be expected.
- 9.7 This decision will be final and will have exhausted the Trust's Grievance Procedure.

10. Other matters

Keeping records

- 10.1 It is important, and in the interests of everyone involved, that written records are kept of the grievance process. Records should include:
- The nature of the grievance raised;
 - A copy of the written grievance;
 - Any responses by the manager;
 - Actions taken;
 - Reasons for action taken;
 - Whether the member of staff made an appeal(s), and, if so, the outcome;
- and
- Subsequent developments/recommendations.

Overlapping grievance and disciplinary cases

- 10.2 In cases when the employee raises such a grievance then the manager may wish to consider suspending the disciplinary process for a short period whilst the grievance is dealt with. It is, however, expected that when disciplinary and grievance cases are related that they would be dealt with concurrently. When such 'dual purpose' meetings take place – at hearing and/or appeal - then particular care should be taken to properly hear and consider the grievance, and to document the discussions and any outcome.

- 10.3 In such situations care should be taken to ensure that, as necessary, all the necessary statutory stages of the Grievance policy are addressed. HR advice should be sought in such circumstances.

Attendance at grievance hearings

- 10.4 At the Second stage of this Procedure it will be the chairperson's decision, in consultation with HR, as to who should be involved in the hearing. As a minimum, the person who has raised the grievance should attend as well as the chair who heard the first stage of the grievance. Consideration may be given to involving others e.g. witnesses.

Two or more persons raising a grievance

- 10.5 In circumstances when 2 or more members of staff raise a grievance, then one may be nominated to pursue the grievance at hearing. This should be done in consultation with their TU or other representative.

Human Resources

- 10.6 An HR advisor should attend all hearings under the formal stages of the grievance procedure. Their role is to advise the chairperson.

Timeliness

- 10.7 It is essential that grievances are responded to in a timely manner, if there is a delay at any stage then employees should be notified as to the reason(s).

Circumstances when an employee is leaving employment

- 10.8 If a grievance is raised towards the end of an employee's employment then every effort should be made to hear the matter prior to the employment ending.

Confidentiality

- 10.9 All those involved in a grievance matter should maintain confidentiality at all times. Those breaking confidentiality may be subject to disciplinary action.

IMPLEMENTATION PLAN				
Intended Audience	For all LAS staff			
Dissemination	Available to all staff on the Pulse			
Communications	Revised Procedure to be announced in the RIB and a link provided to the document			
Training	Briefing provided to relevant HR staff			
Monitoring:				
Aspect to be monitored	Frequency of monitoring AND Tool used	Individual/ team responsible for carrying out monitoring AND Committee/ group where results are reported	Committee/ group responsible for monitoring outcomes/ recommendations	How learning will take place
List aspects/ Key elements of the policy/ procedure that will be monitored, - numbers of grievances by age, gender, ethnicity etc.	How often will this take place and What tool will be used, annual equality report or as requested.	Who is responsible for carrying this out? Title of individual/team that will do this, and Name of Group/committee where the results will be reported, Director of HR to Trust Board.	Who monitors outcomes/ recommendations? Name of Higher level group/committee that will monitor outcomes/ recommendations, Trust Board.	Describe how learning will take place for relevant areas. Sharing of information via HR.

Appendix 1

The Grievance Hearing

The purpose of the Grievance Policy is to deal with issues in a fair, efficient and consistent manner. The points below provide guidance on how the grievance hearing or appeal should operate.

It is helpful to approach a grievance hearing differently to a disciplinary hearing. The procedure, as set out below, should be followed to ensure that everyone has the opportunity to put forward their concerns, views etc. however the focus should be on trying to resolve the grievance and as such dialogue and discussion should be encouraged between those involved.

Terminology

Note that for the purposes of this appendix, the word 'aggrieved' is the person who has raised the grievance and the word 'manager' is the person against whom the grievance has been taken.

1. A confidential room should be put aside for the hearing it is essential that there are no interruptions.
2. When letters are sent inviting participants to grievance hearings then those involved should be asked to circulate any relevant paperwork in advance of the hearing.
3. An HR advisor should attend at all formal stages of the grievance procedure in order to offer advice to the chairperson in considering the matter.
4. The chairperson will introduce the parties and explain briefly how the hearing will be conducted.
5. The chairperson will establish details of any witness to be called by either side.
6. The aggrieved or their representative should be allowed to explain their grievance and say how he/she feels it should be settled.
7. The manager may ask questions on what the employee/representative has said.
8. The chairperson and HR advisor may ask questions on what the employee/representative has said.
9. The aggrieved or representative may call witnesses.
10. The manager may ask questions of the witnesses.
11. The chairperson and HR advisor may ask questions of the witnesses.
12. The manager will respond to the aggrieved person's grievance.
13. The aggrieved or representative may ask questions on the manager's response.

14. The chairperson and HR advisor may ask questions on the manager's response.
15. The manager may call witnesses.
16. The aggrieved or representative may ask questions of the witnesses.
17. The chairperson and HR advisor may ask questions of the witnesses.
18. The manager will have an opportunity to sum-up.
19. The aggrieved will have the opportunity to sum-up last.
20. A short break in the grievance hearing may be held at any time.
21. In exceptional circumstances, the chairperson may decide that there is a need for matters to be investigated in more detail. In such cases the hearing may be adjourned in order to enable this investigation to take place.
22. Both parties will withdraw to enable the chairperson to make his/her decision in consultation with the HR advisor.
23. If there is a decision during the course of the grievance hearing on which all parties are agreed, then the 'Remarks' section of the Formal Grievance Form may be completed by setting out the agreed outcome. The Form should be signed by all present. It should be noted that a formal letter should still be sent confirming the decision of the hearing.
24. The chairperson will recall all parties and inform them of the outcome of her/his deliberations, and, if possible, announce the decision. In any event, the chairperson will write with the decision within five working days. If it is not possible to respond within five working days then the employee should be given an explanation of the delay and told when the response can be expected.

LAS – Formal Grievance Form

From:

To:
Cc Human Resources

1. I wish to formally register a grievance with you against:

.....

2. My grievance is

.....

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.....

3. Either

- a. I have spoken to the above named in regards to this grievance. His/her response was as follows:

.....

.....

.....

The reason I remain dissatisfied is:

.....

.....

.....

Or

- b. I have not spoken to the above named in regards to this grievance. The reason for this is

.....

4. The redress I am seeking is:

.....

.....

.....

.....

.....

.....

5. I have/have not (*delete as appropriate*) discussed the matter with my trade union (or other) representative*. He/she is.....

.....
(N.B representative must be a member of staff)

My full name.....

Job title.....

Work location.....

Signed.....

Date.....

This form should be given to your manager, or, if the grievance is with your manager, to the next-in-line manager. If you would like further advice then please contact Human Resources.

Remarks

This section may be used at the grievance hearing to record any agreed outcomes. It should be signed by those present.

Appendix 3

Grievance invite letter – amend as appropriate

Dear.....

Grievance Hearing

I am writing to confirm the details of the grievance hearing.

It is planned for:

Date

Time

Location

The hearing will be your opportunity to explain your grievance regarding...It will also give... an opportunity to respond, and for all parties to discuss the issue.

I will chair the hearing and will be advised by ... of the Human Resources Directorate.

You may be accompanied by a colleague or trades union representative.

If you have any paperwork that you wish to be considered at the hearing then I would be grateful if you could let ... have this as soon as possible in order that it may be circulated to all concerned in advance of the hearing.

I enclose a copy of the Trust's Grievance Policy.

Please confirm attendance by contacting ...

Yours sincerely,

cc. ...Human Resources/others involved in the grievance hearing.