**Grievance Policy and Procedure**

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# Introduction

## Policy statement

The purpose of this policy is to provide a mechanism to deal appropriately with personal employee workplace grievances.

This policy is not to be confused with an appeal against disciplinary action or making a complaint about wrongdoing that is in the public interest. There are separate mechanisms to deal with these circumstances which can be found in the disciplinary and whistleblowing policy and procedures respectively

This policy and procedure are designed to help managers, employees, and their representatives deal with grievance situations in the workplace.

Whenever the grievance procedure is being followed, it is important that issues are dealt with fairly. There are a number of elements to this:

* Managers and employees should always try to resolve problems in the workplace at the earliest possible opportunity and usually with the least possible formality
* Ideally, matters should be addressed before they reach the stage of becoming a formal grievance issue
* Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions
* Managers and employees should act consistently

The Organisation recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The Organisation will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

##  Status

The Organisation aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in respect to the individual protected characteristics of those to whom it applies.

This policy and procedure are written in accordance with the ACAS Code of Practice on disciplinary and grievance procedures.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of a contract of employment.

##  Training and support

The Organisation will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

# Scope

##  Who it applies to

This policy and procedure apply to all employees of the Organisation and, in particular, sets out the managers’ role and responsibilities in the process.

##  Why and how it applies to them

The grievance procedure is designed to deal with employee concerns and grievances quickly and consistently.

## Managers’ responsibilities

Managers are responsible for ensuring that both informal and formal grievances are dealt with effectively in accordance with the procedures set out in this policy and by:

* Taking the grievance seriously, i.e. taking on board why the employee feels aggrieved, unhappy or dissatisfied
* Investigating the facts and surrounding circumstances and showing the employee that this has been done thoroughly and sensitively
* Where practical, actively looking for a solution that will satisfy the employee without causing disproportionate difficulty for the Organisation or the employee's colleagues
* Providing feedback to the employee about what can and/or cannot be done to resolve the grievance
* Taking any necessary follow-up action
* Ensuring that a written record of all grievance meetings is made and placed on the employee's personnel file

Records will include:

* The nature of the grievance
* A copy of the employee’s written grievance statement
* The management’s response including possible action explored
* Action taken
* Reason for action taken
* Whether there was an appeal and, if so, the outcome
* Any subsequent developments

## Bullying and harassment

Where the grievance relates to bullying or harassment (including sexual harassment), the procedure may be modified to enable the employee to approach a different manager if their own manager is the alleged cause of concern. Additional guidance on how to deal with this particular type of grievance can be found in the Organisation’s bullying and harassment policy.

## Alleged misconduct of a colleague

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure and the employee who raised the complaint will be informed of the outcome where appropriate.

## Status quo principle

Whilst a grievance is being considered under this procedure, the working and management arrangements (which may have given rise to the complaint) will not be altered until a resolution has been reached or the procedure completed, providing this does not have an adverse or detrimental impact on an individual or the Organisation.

## Exceptions

This grievance policy and procedure does not cover matters relating to:

* Strategic business or policy decisions taken by the Organisation
* Issues that are the subject of collective negotiation or consultation (i.e. at a national level)
* Collective grievances, i.e. joint disputes where an appropriate trade union representative has written setting out the grievance and specified the names of two or more employees as being employees on whose behalf the grievance is being raised
* Other employment procedures which have their own appeals process, such as disciplinary, capability, sickness or attendance, redundancy, job evaluation/grading of post etc.
* Whistleblowing
* Disciplinary action

## Overlapping grievance and disciplinary cases

Complaints that an employee may have about any disciplinary action taken against them should be dealt with as an appeal under the disciplinary procedure.

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. In such cases, a new timetable will be agreed to ensure both processes are concluded without unnecessary delay.

Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently or, where the grievance has any bearing on the disciplinary proceedings, it may be raised as a relevant issue in the course of those proceedings.

# Informal grievance

An employee with a grievance should initially raise the issue with their immediate supervisor or line manager. If the employee feels unable to approach their line manager directly, they should approach another manager who will discuss ways of dealing with the matter.

Managers should deal with all grievances raised, whether or not the grievance presented is in writing. Even if the manager thinks the problem is small or insignificant, it is clearly important to the employee and merits consideration.

Ideally, the manager will meet with the employee informally to discuss the grievance although this may not always be necessary. The manager should make notes of any informal discussions/meetings and provide a copy to the employee.

The manager may agree for the employee to be accompanied if they wish, although there is no statutory right to be accompanied at this informal stage. While no unreasonable delays will be accepted due to lack of the other person’s availability, every effort will be made to find a mutually acceptable time for all parties.

A definitive decision should be given once the matter has been fully considered and/or an investigation has been completed. An investigation will allow the line manager to consult more widely, especially where decisions are beyond their delegated authority.

The decision should ideally be communicated to the employee no later than seven calendar days from either the concern/grievance being raised or the date of the informal grievance meeting, whichever is the latest (not withstanding any need to carry out prior investigations or involve a third party).

It is anticipated that most day-to-day concerns and grievances can be dealt with satisfactorily through this informal stage. Where initial informal discussions have not resolved the issue, mediation may be offered as an option. Mediation is when an independent, impartial third party discusses a problem between the parties to try and find a solution. Mediation is voluntary and confidential and may be used at any stage in the process.

In the event of non-resolution, the employee has the option to proceed to the formal grievance procedure.

# Formal grievance procedure

##  Put the complaint in writing

Where attempts to resolve the matter informally do not work, or the employee is dissatisfied with the manager’s decision, it may be appropriate to raise a formal grievance under this procedure.

The first stage of the formal grievance procedure is for the employee to put their complaint in writing with any supporting evidence (ideally within 14 calendar days of receiving the outcome of the informal stage).

This written statement will form the basis of the subsequent hearing and any investigations so it is important that the employee sets out clearly both the nature of their grievance and the action/solution they are seeking. The employee should be as specific as possible; if the grievance is unclear, they may be asked to clarify their complaint before any meeting takes place.

The complaint should be headed “Formal Grievance”’ and sent to the employee’s manager or if the complaint relates to the way in which the line manager is treating the employee, the complaint may be sent to the Practice Manager who will confirm to the employee who will hear the grievance.

##  Grievance hearing

The appropriate manager must convene the grievance hearing, ideally within seven calendar days but no later than 14 calendar days of receipt of the grievance.

Attendance at the formal grievance hearing will usually include the employee (and an accompanying person if they wish), the manager hearing the case and, where appropriate, the manager who dealt with the grievance informally or another person to support the hearing manager.

The written grievance statement (and any supporting evidence) and the manager’s informal stage response (and any supporting evidence) will be made available to all parties prior to the hearing.

If any party wishes to call witnesses, the manager hearing the case must be advised in advance.

The employee will be given every opportunity to explain their case fully and how they think it should be resolved. They should confine their explanation to matters that are directly relevant to their complaint. The manager conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

The employee may be represented or accompanied at any stage of the formal grievance hearing by a trade union representative or work colleague.

Consideration will be given, if required, to adjourning the meeting for any investigation that may be necessary.

##  Outcome/decision

If possible, the outcome of the hearing will be communicated to all parties on the day of the hearing or as soon as is practicable and no later than seven calendar days from the date of the formal grievance meeting. The decision will be confirmed in writing to the employee (and their representative) within seven calendar days of the date of the hearing and, where appropriate, it will set out what action is intended to be taken to resolve the grievance. The employee will also be informed that they can appeal if they are not content with the action taken.

# Right of appeal

##  Put the appeal in writing

An employee who wishes to appeal against the outcome of a formal grievance hearing must do so in writing to the senior partner within five working days of the date of the written outcome. The senior partner (or nominated deputy/panel) will hear the appeal and decide the case.

The employee has the right to lodge an appeal in respect of any formal grievance hearing decision/outcome and it should be headed “Formal Grievance Appeal”.

The appeal should be in writing and include details of why the employee believes the outcome/decision is unfair. It should include any supporting evidence or new evidence. This written statement will form the basis of the appeal hearing and any further investigations so it is important that the employee sets out clearly the grounds upon which the previous decision and management action is being contested and indicates the action/solution they are seeking. The employee should be as specific as possible; if the grievance appeal is unclear, they may be asked to clarify their complaint before the appeal hearing takes place.

##  Appeal hearing

The appeal procedure will normally be conducted by a senior partner who has not been previously connected with the process so that an independent decision can be made.

Ordinarily, the manager who held the original grievance hearing will present the case and his/her findings and the employee will respond with the basis of their appeal.

The employee may be represented or accompanied at any stage of the appeal hearing by a trade union representative or work colleague.

If the employee is appealing on the grounds that they believe the original hearing was not conducted correctly, then the appeal may take the form of a complete re-hearing and re-appraisal of all matters so that the person/panel who conducts the appeal can make an independent decision of the case before deciding to uphold or refuse the appeal.

##  Outcome/decision

If possible, the outcome of the appeal hearing will be communicated to all parties on the day of the appeal hearing; or as soon as is practicable and no later than seven calendar days from the date of the appeal meeting. The decision, and any actions intended to be taken to resolve the grievance, will be confirmed in writing to all parties within seven calendar days of the date of the appeal hearing.

The decision of the appeal panel represents the final stage of the internal procedure and the employee has no further right of appeal.

# General rules

##  Right to be accompanied

The employee has the right to be accompanied at any formal stage of the grievance procedure, including the appeal hearing, by a colleague or trade union representative.

It is the responsibility of the employee to contact their chosen person and ensure that they are willing to act in that capacity. The employee must inform the relevant manager accordingly.

If the accompanying person cannot attend on the proposed date, the employee may suggest an alternative time and date so long as it is not more than five days after the original date. This may be extended by mutual agreement.

##  Witnesses

The two parties are entitled to call witnesses to attend the grievance and/or appeal hearing and support their case. The respective parties are responsible for the attendance of their witnesses. Witnesses who are members of staff will be allowed time off work with pay to attend.

##  If the employee is unable to attend

The employee must ensure that they attend the grievance or appeal hearing at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the relevant manager as soon as possible and another time will be offered.

If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, or not attended on the second occasion, the hearing may take place in their absence. This decision will be made by the manager hearing the grievance or appeal.

If the hearing takes place in the employee’s absence, they will be informed of the decision, in writing, normally within five working days of the hearing.

##  Cases involving senior management

In cases involving a member of the executive team or senior management, any formal grievance will be considered by a senior partner and any appeal by a panel of two other senior partners (not previously involved) and/or an external specialist.

##  Investigations

It may be necessary to carry out investigations of any allegations made by the employee prior to or at other stages of the procedure although confidentiality of the grievance process will be respected.

If any evidence is gathered in the course of these investigations, the employee will be given a copy in advance of the hearing in order that they may consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence will be provided.