

## GRIEVANCE POLICY & PROCEDURES

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## **1. Policy Statement**

1.1. CHS encourages open and honest communication at all levels. We recognise that there will be occasions when a member of staff may have complaints or concerns relating to their employment.

1.2. The Grievance Policy and Procedure aims to ensure the successful and timeous resolution of an employee's grievance.

## **2. Aims of the Policy**

2.1 The aims of this policy are to:-

- Provide employees who feel they have a grievance with a procedure for pursuing it in a systematic, efficient and effective manner;
- To provide fairness and consistency in the treatment of employees;
- To enable grievances to be resolved as quickly as possible, at the appropriate level of management and to the satisfaction of all parties;
- To comply with employment legislation, ACAS guidelines and best practice in employee relations.

## **3. Scope of the Policy**

3.1 This Grievance Policy and Procedure is designed to address individual grievances. A group of employees who share a common grievance arising from the same circumstances can pursue a collective grievance either directly or via their staff representative on their behalf. It should be noted that there is no opportunity to raise the same grievance twice.

3.2 Where a formal grievance is registered, in the interests of good employee relations, no alterations will be made to the existing conditions of employment which gave rise to the grievance, or to the established working practices, until the grievance has been suitably resolved or the procedure has been exhausted. This is known as maintaining the status quo. However, in circumstances where the issue impacts on service users, the appropriateness of this arrangement will be discussed.

3.3 This procedure does not apply to complaints relating to:

- organisational change, unless the outcome of such change infringes on the rights of an individual member of staff;
- matters for which another specific procedure should apply e.g. Code of Conduct, Disciplinary Policy, Dignity at Work, Whistleblowing Policy etc..

3.4 Managers should generally deal with all issues raised whether or not a grievance is presented in writing. However, in order to progress a formal grievance, the employee must state the grounds of the grievance in writing. Managers are expected to deal with grievances sympathetically, promptly and fairly.

3.5 Grievances raised will be assumed to be in good faith. Any grievance which is found to be malicious, false or vexatious may be regarded as a disciplinary matter and dealt with under CHS' Disciplinary Policy and Procedure.

#### **4. Representation**

- 4.1 Employees have the right to be accompanied/represented during grievance proceedings. This applies to informal meetings, formal hearings and appeals. The companion can be an CHS colleague or staff representative. Although there is no specific right to be accompanied by a relative, it should be recognised that in some circumstances this may be appropriate. In all cases employees must be advised in writing of their right to representation.
- 4.2 The HR Shared Services is available to provide staff and managers with broad guidance and assistance to help create amicable resolutions to grievances at the informal stage. An HR Business Partner will attend all formal Grievance Hearings and Appeals to support and provide advice to management. Where possible, a different member of HR Shared Services will be assigned to each stage helping to ensure objectivity.

#### **5. Investigation**

- 5.1 The first stage of a grievance normally occurs when a matter of concern is brought to the attention of the line manager by the employee, formally or informally. The line manager, with advice from Human Resources, will then need to determine whether an investigation is appropriate. In more straightforward cases where the issue is clear-cut, an investigation into the grievance may not be required.
- 5.2 Where an investigation is necessary, two investigating officers will be appointed to begin a formal investigation as soon as possible: generally, the line manager will be responsible for conducting the investigation, together with an HR representative or another independent manager. The relevant facts should be gathered as early as possible, including any relevant documentation and, where appropriate, statements from all parties involved. This process should be carried out as quickly and confidentially as circumstances permit. On completion of the investigation, the manager will produce a written investigation report outlining the facts and the recommendations. The investigation will allow the manager to determine whether he/she can resolve the matter informally or whether a more formal approach is appropriate.
- 5.3 In some cases, if an investigation is not carried out at the informal stage, it may be necessary before a formal hearing can proceed. Full information on conducting an investigation can be found in the Manager's Guide to Conducting an Investigation.
- 5.4 The following options may be considered as possible outcomes of the investigation:
- Resolve the matter informally – the manager should advise the employee of their view, and propose an appropriate resolution. The employee should be advised of how to progress to a formal stage if the matter is not resolved to their satisfaction, that is, to submit the grievance in writing as detailed below.
  - Recommend mediation – this may be appropriate where the matter concerns relationships with colleagues, such as a clash of personalities. Trained mediators are available to CHS and arrangements for mediation can be progressed through the HR Shared Services.
    - Arrange a grievance hearing – following the investigation the manager may conclude that the matter cannot be resolved informally and a formal grievance hearing is the appropriate way to address the matter.
- In all cases, following an informal approach, the manager should advise the employee, together

with any other parties involved in the investigation, what the next stage will be.

## 6. Procedure

### 6.1 Informal Resolution

In the first instance, the employee should discuss the matter informally and directly with their line manager. This can be done verbally or in writing. If the grievance relates to their immediate line manager then the employee should refer the matter to the next level or other appropriate manager. In many cases complaints and grievances are resolved informally with the employee's line manager without the need for formal proceedings. Addressing a grievance in an informal manner encourages effective management and good communication between the employee and the line manager.

The manager will attempt to resolve the grievance informally through discussion with the employee, and verbally advise the employee of the decision within 5 days of the matter being brought to their attention. If the grievance is not resolved on an informal basis the employee can progress to the formal grievance procedure.

### 6.2 Roles and Responsibilities

Grievances should ideally be resolved at the lowest level of management. Where the matter concerns the immediate line manager, the employee should direct the grievance to the next level of manager. In all cases, managers must consult Human Resources for advice before any action is taken.

A summary of most common roles and levels of responsibility is outlined below:

<b>Informal Approach To</b>	<b>Grievance Hearing Chaired by</b>	<b>Appeal Hearing Chaired by</b>
Line Manager	Director	Chief Executive
Director	Independent Director	Chief Executive

### 6.3 Grievance Hearing

If despite any attempt to resolve the grievance informally, the employee remains dissatisfied, the employee should submit the grievance in writing to the next level or other appropriate manager, stating the grounds of the grievance and the resolution sought. The formal grievance should be submitted within 5 working days of the informal decision. The employee may find it useful to discuss their grievance with a staff representative prior to submission.

The appropriate level of manager will acknowledge receipt of the grievance and arrange for a formal Grievance Hearing within 10 working days of receiving the letter. Depending on the circumstances it may be necessary for an investigation to be carried out prior to the formal hearing, as outlined in Section 5 above. The employee should be advised in writing if this is the case. See Section 7 below for further information on arranging a hearing.

The outcome of the hearing shall be confirmed in writing by the manager within 5 working days of the hearing. The letter will indicate who the employee should write to if they wish to appeal the matter further, within 10 working days from the date of notification. The manager may decide to meet the aggrieved parties to discuss the decision in person and any outcomes.

### 6.4 Grievance Appeal

If the employee is dissatisfied with the outcome of the Grievance Hearing, they have 10 working days from receipt of the written outcome to submit an appeal against the decision to the

appropriate manager, again stating the grounds for the grievance and the resolution sought. Any appeal submitted after the deadline will not be considered, except in exceptional circumstances.

The Chair of the Appeal shall convene an Appeal Hearing within 20 working days of receipt of the letter intimating appeal.

The outcome of the Appeal Hearing shall be confirmed in writing by the Chair of the Appeal within 5 working days and they may decide to meet the aggrieved parties to discuss the decision in person and any outcomes.

There is no further right of appeal beyond this stage.

## **7. The Grievance Hearing/Appeal**

### **7.1 Arranging a Formal Grievance Hearing/Appeal**

Following receipt of a formal grievance or appeal in writing, the appropriate manager should make arrangements for a Grievance Hearing to be held within 10 working days or an appeal to be held within 20 days. The employee should be notified in writing of:

- the time, date and venue;
- the name and job title of the chairperson
- the grounds of the grievance as submitted by the employee;
- who will attend to present management's case and who will be present as an adviser to the chairperson
- that witnesses may be present to give evidence;
- the right to call witnesses or submit statements or other documents in support of the grievance;
- the right to be accompanied/represented at the hearing.

Where it is not possible to meet within 10 working days of the grievance being submitted, for example due to annual leave, sickness or representation for either party, the timescale may be extended by mutual agreement to the nearest suitable date.

The manager convening the Hearing is responsible for writing to the employee and arranging a suitable venue. Ideally the venue should be private and free of interruptions, and separate rooms should be available for the employee and management representatives in case of an adjournment. The employee and the manager (who will present Management's case) are each responsible for contacting any witnesses they wish to call during the hearing. Where witnesses are employees of CHS they will be granted time off with pay to attend, but must advise their line manager in advance.

### **7.2 Format of the Hearing/Appeal**

It is important that the hearing should be conducted in as relaxed a manner as possible as it can be a difficult experience for all participants. The Chairperson should open the hearing, introducing all parties and explaining everyone's role. If the employee does not have a representative present, the Chairperson should confirm the employee understands their right to representation, and if necessary, adjourn to allow a representative to be arranged.

The format is as follows:

- The Chairperson will invite the employee or his/her representative to present the case, outlining specifically the reasons for the grievance/appeal. Witnesses can be called or witness

statements produced to support the employee's case.

- The management representative may then ask questions and the Chairperson and HR representative may ask questions or seek clarification.
- The Chairperson then invites the management representative to put forward any case, calling witnesses or submitting witness statements as required.
- The employee or his/her representative may then ask questions and the Chairperson and HR representative may ask questions or seek clarification.
- Employee or representative presents a summary of their case.
- Management representative presents a summary of their case.
- The Chairperson summarizes the hearing if required, and the hearing is then adjourned to allow the Chairperson to come to a decision. Employee, representative and management representative leave the room.
- Chairperson considers the decision with advice from the HR representative.
- If any new facts emerge during the hearing, the Chairperson may stop the hearing and request further investigation if this is required.
- All parties are invited to return and the decision is given, providing an explanation of why the decision has been reached. The decision is then confirmed in writing within 5 working days. If more time is required to reach a decision, the employee will be advised of this, and the decision confirmed in writing. In all cases, the decision should be provided in writing within 5 working days, together with confirmation of any further right of appeal and the process to be followed.

## **8. Senior Management Team**

- 8.1 The Grievance procedure applies to all employees of CHS. If a grievance is raised by a Director, the matter should be referred in the first instance to the Chief Executive who will make the appropriate arrangements for investigation and/or informal resolution if possible. If the grievance involves the Director, the matter should be referred to an independent Director or Chief Executive.
- 8.2 If the Director remains dissatisfied following an attempt to resolve the complaint, the matter will be referred to the Chief Executive for a formal hearing. Any subsequent appeal will be heard by the Chair of the Board.
- 8.3 If the grievance is raised by the Chief Executive, then the Chair of the Board will make the appropriate arrangements for investigation and/or informal resolution if possible. If the Chief Executive remains dissatisfied following an attempt to resolve the complaint, the matter will be referred to the Chair of the Board for a formal hearing. Any subsequent appeal will be heard by two members of the Audit Committee.

## **9. Review**

- 9.1 This policy will be reviewed by the Director of Finance and Corporate Services regularly to ensure continued compliance with legislation and best practice. CHS or staff representatives may propose amendments at any time by writing to the Director of Finance and Corporate Services.

