

Grievance Policy

1. Purpose

- 1.1 The object of this policy is to enable employees who consider that they have a concern, problem, grievance or complaint arising from their employment to have it dealt with quickly, effectively and proportionately in line with the ACAS Code of Practice.
- 1.2 The policy applies to all Healthwatch Worcestershire employees, permanent and temporary. In the interests of fairness and inclusion, the same principles will apply to volunteers who have a complaint and the procedure will be used where it is practical to do so.
- 1.3 The policy provides for a 2 stage Grievance Procedure, ie a Grievance Hearing and, where the employee considers the matter not resolved, an Appeal.
- 1.4 Healthwatch Worcestershire is committed to resolving each stage of the procedure as quickly as is reasonably practicable, taking into account the need to investigate any grievance thoroughly and fairly and any constraints imposed by staff or management availability.
- 1.5 This policy is not contractual and does not form part of an employee's contract of employment. Healthwatch Worcestershire reserves the right to deviate from this policy where in the circumstances it makes sense to do so or at any time in the future as necessary.

2. Definition - what is a grievance?

- 2.1 A grievance is a complaint arising from the employer's 'duty to the employee'. This may include problems or concerns an individual may have regarding their work, working conditions or relationships with colleagues or management.
- 2.2 Issues concerning Dignity at Work will usually be best dealt with using the procedure outlined in the Dignity at Work policy.
- 2.3 The Grievance Procedure is not intended to be used for grievances related to a disciplinary outcome where a separate appeals procedure exists.

NB the fact that an employee has invoked the Grievance Procedure will not preclude the organisation from entering, continuing with or concluding disciplinary proceedings, whether they involve that employee or other members of staff.

3. Roles and Responsibilities

- 3.1 It is the responsibility of managers and employees to understand and adhere to this policy and associated procedures.
- 3.2 It is the responsibility of all parties to ensure that grievances are dealt with in a timely manner. All parties will act responsibly by keeping to the facts and avoiding actions or language which could be considered insulting or abusive.
- 3.3 It is the responsibility of the manager hearing the grievance to ensure that the employee is given a copy of any notes or minutes taken. In certain circumstances, eg to protect a witness, the manager may choose to withhold some information.
- 3.4 It is the responsibility of the manager to ensure that all documentation connected to the grievance is filed confidentially on the employee's Personal File.

4. Fairness

- 4.1 An employee is entitled to seek advice from and be accompanied to a Grievance Hearing (or any subsequent Appeal) by a trade union representative or work colleague (employee of Healthwatch Worcestershire). The colleague may assist the employee in presenting their case and may confer with the employee during the hearing, but is not permitted to answer questions on their behalf. The colleague will be allowed to attend in duty time without loss of pay.
- 4.2 Management reserve the right to request that the employee choose a different colleague where the attendance of the original person may cause a conflict of interest or lead to unreasonable delay or expense.
- 4.3 The employee will be given every reasonable opportunity to attend a hearing and allowed sufficient notice to enable them to prepare and be in a position to competently present their grievance. Where the employee subsequently unreasonably declines or fails to attend, the hearing may go ahead in their absence and a decision will be made based on the facts available to the manager.
- 4.4 Where specifically requested by the employee, for example if they are absent from work for a prolonged period, the meeting may be held in their absence, or a nominated representative may attend to present on their behalf.
- 4.5 This policy does not allow for either party to be legally represented at either the Grievance Hearing or Appeal. In some circumstances, eg an employee with a disability, a reasonable request for an external companion such as a support worker may be agreed.

5. Confidentiality

- 5.1 Written records of any formal grievances will be kept and maintained in accordance with the Data Protection Act 2018.
- 5.2 However, in certain circumstances, third parties who are party to a grievance may be informed of the resolution of the grievance.

6. Audit and Review

- 6.1 A review of this policy will take place annually unless legal, contractual, specific business requirements, operational changes or events necessitate an earlier review.
- 6.2 This policy will be subject to Equality Impact Assessment under the Public Sector Equality Duty Act 2010.

Grievance Procedure

1. Informal stage

- 1.1 In many cases where an employee has a concern, problem, grievance or complaint arising from their employment, it will be possible to rectify matters informally through constructive and open discussion between the parties or between the employee and their manager. Wherever possible, employees are encouraged to raise any workplace issues or concerns with their manager, clarifying the nature of the issue and any suggested solutions to rectify the problem, rather than remain silent and risk the issue or problem escalating.
- 1.2 Alternatively, where an employee feels uncomfortable in addressing the issue directly, they may prefer to request assistance from a colleague who may be able to offer another perspective on the matter or provide reassurance and support.
- 1.3 In the event that the issue is more serious, or an informal approach has not resolved matters, the employee should submit a formal grievance.

2. Formal Grievance

- 2.1 Formal grievances should be submitted in writing, without delay. The Managing Director has been nominated to manage all grievances (except where the grievance is against him/her).
- 2.2 Where the grievance is against the Managing Director and cannot be resolved informally, the written grievance should be submitted to the Healthwatch Worcestershire Chairman. In such an instance, the grievance will be limited to a single stage (see Section 3. Appeal) and there will be no further appeal. (In this instance, any reference in the policy/procedure to Managing Director should be replaced with Chairman.)
- 2.3 The written grievance should detail the issue or problem and the actions the employee feels are necessary to resolve matters. If appropriate, documentary evidence may be attached to the written grievance.
- 2.4 The Managing Director will acknowledge the grievance in writing, confirming the next steps.
- 2.5 On occasions, it may be appropriate for management to appoint an independent investigator to assist in fact-finding; this may immediately follow receipt of the written grievance or arise due to information presented at the Grievance Hearing.
- 2.6 The Managing Director will arrange a formal Grievance Hearing usually within 10 days of receipt of the written grievance.

- 2.7 The employee will have the right to be accompanied by a trade union representative or work colleague (employee of Healthwatch Worcestershire). Where the employee requires additional support or reasonable adjustment, eg due to disability, this should be requested and agreed in advance.
- 2.8 The employee will be given every opportunity to objectively present their case and to put forward the outcome they seek.
- 2.9 The Managing Director may make a decision at the hearing or may agree a timescale for his/her decision when facts need further consideration or investigation.
- 2.10 The Managing Director will usually respond in writing within 10 working days of the hearing unless an extension has been agreed between the parties. The employee will be informed of their right of appeal.

3. Appeal

- 3.1 Where the employee is not satisfied with the decision, they may appeal in writing within 5 working days. The appeal should be addressed to the Healthwatch Worcestershire Chairman.
- 3.2 The Chairman will acknowledge the appeal in writing or on occasions, at his/her discretion, may delegate full responsibility to an alternative and impartial Director of the Healthwatch Worcestershire Board.
- 3.3 Whenever possible, the Appeal Hearing will be arranged within 10 working days of receipt of the written appeal.
- 3.4 The employee will again have the right to be accompanied by a trade union representative or work colleague (employee of Healthwatch Worcestershire) and will be given every opportunity to objectively present their appeal and to confirm the outcome they seek.
- 3.5 The Chairman may make a decision at the Appeal Hearing or may agree a timescale for his/her decision when facts need further consideration or investigation.
- 3.6 The Chairman will usually respond in writing within 10 working days of the Appeal Hearing unless an extension has been agreed between the parties.
- 3.7 The appeal decision will be final and will conclude the internal procedure.

4. Administration

- 4.1 All documentation connected to the grievance will be filed confidentially on the employee's Personal File.

4.2 Grievance submissions and outcomes will be monitored to ensure Healthwatch Worcestershire is fulfilling its obligations for monitoring equal opportunities.

5. Alternative Procedure

5.1 Where a grievance is raised immediately prior to an employee leaving Healthwatch Worcestershire's employment and it is not reasonably practicable to follow the formal procedure, by agreement between the parties, an alternative procedure may be followed.

5.2 The employee must set out their grievance in writing to the Managing Director (or where the grievance is against the Managing Director to the Healthwatch Worcestershire Chairman).

5.3 Where appropriate, management may appoint an independent investigator to assist in fact-finding/interviewing of the parties. A report will be provided to the Managing Director (or Chairman where applicable).

5.4 After due consideration, the Managing Director (or Chairman where applicable) will provide a written response.

5.5 There is no appeal and the process will be complete once the response has been provided.

5.6 Where an employee who has recently left Healthwatch Worcestershire submits a grievance, it will be at the discretion of the Managing Director (or Chairman where applicable) whether to respond under this alternative procedure.