

Morecambe Bay



Primary Care Collaborative

Grievance Policy

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Purpose	The objective of this policy is to provide a fair and equitable process for employees to raise their grievances and have them resolved in a timely manner without the fear of reprimand.
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1. INTRODUCTION

1.1 Summary

MBPCC recognise that an agreed and practical procedure for the settling of grievances and disputes can contribute significantly to promoting and maintaining good employment relations. The aim of this Policy and Procedure is to promote a working environment that is harmonious with the best possible relations between management and staff by providing an opportunity for the consistent, fair, and efficient resolution of grievances as they affect members of staff. This policy will provide a framework which will allow employees, individually or collectively, to raise concerns in an open and fair way, ensuring they can be resolved as quickly as possible and at the lowest possible level.

1.2 Purpose

The objective of this policy is to provide a fair and equitable process for employees to raise their grievances and have them resolved in a timely manner without the fear of recrimination.

Principles:

- MBPCC will listen to and investigate grievance issues raised by its employees
- It is expected that most grievances will be resolved satisfactorily through informal discussions between the employee(s) and their manager
- In some circumstances, it may not be appropriate for the line manager to be involved in dealing with the grievance, and another manager from within MBPCC may be required in order to assist resolution
- All grievances will be dealt with as promptly as is reasonably possible and within agreed timescales
- Managers should be fully conversant with the Grievance and Disputes Policy and Procedure
- Where a grievance is against another member of staff, MBPCC will support both the employee(s) raising the grievance and the employee(s) against which the grievance has been taken
- It is recognised that any action taken against an individual or group of staff because they have brought a complaint under the grievance procedure, may amount to victimisation. Any proven action of this nature will be considered a disciplinary matter
- Similarly, failure to take an individual or collective grievance seriously may in itself amount to discrimination and if proven will be considered a disciplinary matter
- It is recognised that in resolving grievances, it may be necessary for either management to seek expert advice and provision can be made for this, where exceptional circumstances deem it is sensible and reasonable

1.3 Scope

This Policy applies to all Employees and can be used to raise grievances concerning terms and conditions of employment, health and safety, employee relations, new working practices, working environment, organisational change and equal opportunities of an employee or a group of employees.

This procedure should be instigated at the lowest appropriate stage depending on the circumstances of the grievance and resolved informally where possible.

Although formal grievances from employees should be lodged on the Grievance Form

(Appendix 1), it is acknowledged that grievances can sometimes be raised via letter or exit interview form, as has been highlighted in case law.

This policy excludes the resolution of the following issues:

- Disciplinary Issues for which a separate procedure exists

Other policies may need to be referred to in light of the grievance being raised:

- Whistleblowing
- Equal Opportunities / Dignity at Work
- Bullying and Harassment
- Special Leave

1.4 Definition

- Grievances are concerns, problems, or complaints that an employee may raise with the Federation
- Disputes are concerns, or complaints where more than one employee within the Federation are aggrieved about the same matter

2. Responsibility

2.1 Responsibility of Managers

It is the responsibility of all managers employed within MBPCC to make sure they are aware of the Grievance and Disputes Policy and Procedure and how to begin to resolve employee's grievances, both informally and through a formal procedure.

Managers should ensure that they follow the guidelines of this policy, paying specific attention to the timescales set out under each stage.

Managers should ensure that a copy of the Grievance Form is sent to Human Resources, when the grievance is first raised and again when it has been resolved.

2.2 Responsibility of Human Resources

To provide advice and support to managers when an employee or group of employees raises a grievance.

To ensure that the Grievance Procedure is applied fairly, equitably, and consistently throughout MBPCC.

To provide advice and support at all stages of the formal grievance process and encourage resolution of grievances via informal routes where possible.

2.3 Responsibility of Employees

It is the responsibility of each employee to make their manager (or manager above their line manager) aware of their grievance as soon as possible. MBPCC do not believe that it is in anyone's interest to delay, when an individual believes that there is an issue that requires resolution.

Employees should outline the nature of the grievance and expected outcome.

Employees should seek to resolve grievances informally in the first instance.

3 RIGHT TO BE ACCOMPANIED BY A TRADE UNION REPRESENTATIVE OR WORK COLLEAGUE

Employees have the right to be accompanied at any stage of the Formal Procedure by either an accredited Staff Representative or full-time official of a recognised staff organisation, or by a Fellow Worker who must be an employee of MBPCC.

It would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing.

The companion should be allowed to address the hearing to present the employee's case, respond on their behalf to any views expressed at the hearing and confer with them during the hearing. The companion does not however have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employee from explaining their case.

If an employee's companion is unavailable, it is the responsibility of the employee, so long as it is deemed reasonable to suggest another date which is not more than five working days after the date of the Hearing.

Employees have no right under this procedure to be accompanied by anyone else (e.g., a spouse, partner, other family member, or legal representative) other than those persons previously referred to.

Fellow workers or Trade Union Officials do not have to accept a request to accompany the employee and they should not be pressurised to do so. Ordinarily, employees will not be represented during the informal stage of the Grievance Procedure.

4. PROCEDURE

4.1 Informal Resolution of a Grievance

Most routine complaints and grievances are best resolved informally in discussion with the employee(s) concerned and the manager, or another appropriate manager. Dealing with grievances in this way can usually lead to a speedy resolution as it enables the manager to make decisions on those issues they manage. Both manager and employee(s) should agree if an informal approach is to be taken and keep an agreed written note of the informal meeting, including details of any action to be taken in resolving the grievance.

If the grievance is not resolved at the informal stage, the employee has the right to follow the formal procedure as outlined below.

4.2 Scheme of Delegation

The Scheme of Delegation as outlined in the table below will be applied during the formal stages of the grievance procedure:

Grievance	Authorised Manager	Appeal
Stage one	Line Manager or other appropriate MBPCC Manager (if Grievance related to Line Manager)	CEO unless the Grievance relates to the CEO when appeal should be directed to a MBPCC Director
Stage Two	CEO and MBPCC Director unless the Grievance relates to the CEO then Grievance will be heard by two MBPCC Directors	

4.3 Formal Procedure

It is expected that all grievances will be dealt with speedily, and that the timescales stated in this Policy will generally be held as maxima. However, it is recognised that circumstances may arise where both sides agree to extend the timescales as appropriate.

Stage One

All stages of the formal grievance procedure shall commence with the presentation of a completed Grievance Form (Appendix 1) by the employee(s) to their Manager. Where the Manager is the subject of the grievance, the Grievance Report Form should be submitted to Human Resource who will identify an appropriate manager to review. The employee must ensure that they fully explain the nature of the grievance and the reasons they are dissatisfied as well as how they think the grievance can be resolved. They must also state who the matter was raised with informally, the outcome of the informal stage and why the employee remains aggrieved.

Receipt of this form should be acknowledged in writing within two working days by the Manager who should seek HR advice.

The Manager should arrange a meeting with the employee(s) to hear the grievance within five working days, supported by HR as appropriate. This should be confirmed in writing (Appendix 2) and should notify the employee of their right to be accompanied at the meeting.

Wherever possible, it is expected that resolutions will be presented by the Manager at this meeting, however, where further investigation is required, this will be conducted as quickly as practicable, and another meeting arranged.

The hearing should begin with the employee(s) and or their representative stating their reasons for lodging the grievance and how they think it can be resolved. The Manager will then respond verbally with their decision.

An accurate written record of the meeting will be kept, and a copy given to the employee(s) within three working days of the meeting.

The timescales for resolution at this stage is 10 working days commencing with the receipt of the Grievance Report Form. If there are exceptional reasons why this cannot be achieved, then these should be presented to the employee(s) and a revised timescale agreed.

If the employee(s) find the outcome of this meeting unacceptable, they have 10 working days from the receipt of the written record to refer the matter to Stage 2 – Appeal. If the appeal (at Stage 2) is not lodged within 10 working days, it will be assumed that the employee(s) does not wish to appeal the Stage 1 decision and that the matter is closed.

Stage 2 - Appeal

If an employee(s) remains dissatisfied by the action taken at Stage 1, they should present a copy of their original grievance form, the record of the Stage 1 meeting and their reasons, in writing, for considering the matter unresolved to the CEO.

The Grievance will be acknowledged in writing within 2 working days. A meeting will be arranged with the employee(s) within 10 working days of receipt of the grievance, supported by HR as appropriate. This should be in writing and should notify the employee(s) of their right to be accompanied at the meeting.

A Director will also hear the appeal with the CEO unless the Grievance related to the Chief Officer then the appeal will be heard by 2 MBPCC Directors.

The Manager who dealt with the grievance at Stage 1 should be invited to attend to give their reasons for the outcome. The hearing should begin with the employee(s) and or their representative stated their reasons for lodging the appeal and how they think it can be resolved.

The Manager will respond with their views of the employee's grievance and why they made their original decision, ending with how they feel the matter can be best resolved.

The CEO will then respond verbally with their decision and confirm this in writing within 3 working days of the meeting. A written record of the meeting will be made, and a copy will be given to the employee(s), within 5 working days of the meeting.



At this point the Federations internal processes have been exhausted. It is recognised that for certain matters where an employee remains dissatisfied, they may refer the matter to an Employment Tribunal. Their employment arrangements will not be changed, nor will they be disadvantaged if they wish to do so.

5 Disputes (or collective grievances)

At each formal stage of the procedure, the group of employees may nominate two of their group to represent them in the appropriate meeting (i.e., in addition to their accredited Staff Representative if appropriate).

Where several Trade Unions are involved in the same dispute within the Federation, they will be expected to coordinate their views, and nominate one representative, in addition to two employees involved, to present the case. Other representatives may attend a hearing as witnesses, if desired.

The Federation will attempt to resolve disputes within a maximum of two months of the date when it was first brought to the attention of the immediate line manager.

6. Grievance Outcomes

The following outcomes may be reached by the manager at the conclusion of the formal stages:

- To uphold the grievance
- If such a finding is made it will normally be appropriate for the manager to also recommend actions to remedy the situation
- Not to uphold the grievance
- It may also be appropriate with such a finding to re recommend actions, although it may be the case that no further action is required
- To find that the grievance is vexatious
- If it is found that the grievance is vexatious, the manager should decide whether it is appropriate to instigate disciplinary proceedings against the individual raising the grievance

7. Employees who have left the Federation

Wherever possible a grievance should be dealt with before an employee leaves the Federation. However, where an employee has left the Federation and if the grievance procedure has not commenced or been completed prior to the employee's departure, it must be agreed that the grievance be dealt with through following fast track procedure detailed below:

Step 1 - The employee should write to Human Resources setting out the grievance as soon as possible after leaving employment.

Stage 2 - The Manager will formally respond to the employee's grievance setting out its response within 10 working days.



8. GENERAL CONDUCT OF MEETINGS

Meetings convened under the Formal Procedure should be conducted in accordance with the following guidelines:

Introductions

The Panel hearing the grievance / dispute should introduce all present, explain the purpose of the meeting (i.e., to consider whether the grievance / dispute can be resolved) and explain how the meeting will be conducted.

Statement of the Grievance / Dispute

The Panel hearing the case should establish precisely what the grievance / dispute is and invite the employee(s) and or their representative to present their case and any relevant supporting information.

Manager's Reply

Where the grievance / dispute has previously been heard by a Manager at an earlier stage in the procedure, then that Manager should be given the opportunity to present their case and any relevant supporting information.

Civility

The meeting should be conducted courteously and fairly, with the emphasis being to establish the facts. To this end, all parties should be free to ask questions politely and comment appropriately.

Policy Summing Up

After general questioning and discussion, both parties should be given the opportunity to summarise their main points, with the employee having the right to go last.

Adjournment The Panel hearing the case should consider their decision in private. If it is necessary to recall one of the parties to clear any points of uncertainty on evidence already given, then both parties should be invited to return not withstanding only one is concerned with the point giving rise to doubt.

The Decision

All appropriate parties should be recalled and the Panel hearing the case should inform them of their decision.



Appendix 1

Form for an employee to raise a formal grievance

Employee formal grievance	
<p>This form is intended for use by any employee of the Federation who needs to make a formal complaint about the behaviour of a colleague, their line manager, a third party or any other workplace issue.</p> <p>Employees should bear in mind before making a grievance formal they can consider informal means to address the matter.</p> <p>Where the employee wishes to make their complaint formal following the Federations grievance procedure, this form should be completed and sent to their line manager, or other appropriate manager, confidentially.</p>	
Employee's details	
Employee's name	
Employee's job title	
Employee's department	
Date	
If the grievance relates to a person, please state their name, job title and location	
Summary of the issue(s)	
<p>Please set out the details of the complaint providing as much detail as possible, including dates, times, locations, identities of those involved. Please use additional sheets if necessary.</p>	
Individual(s) involved in the matter	
<p>Please provide the names and contact details of any people involved in your complaint, including witnesses.</p>	
Outcome request	



Please set out how you believe the situation can be resolved.

Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Federation. In more serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.

Form completed by	
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Signature	
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For completion by the manager receiving the form

Date form received	
--------------------	--

Name of manager receiving the form	
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Job title of manager receiving the form	
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Managers signature	
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Dates of meetings/hearing

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Appendix 2

Private and Confidential

Name
Address
Address
Address

Date

Dear Name

RE: Grievance meeting

Following receipt of your grievance, I would like to invite you to attend a meeting to discuss the issues that you have raised. The meeting has been arranged for Day, Date at Location at Time. The meeting room is to be confirmed.

The meeting will be attended by me, Name, Job Title. I will be supported by Name. You are entitled to be accompanied or represented by another employee, or trade union representative. Please inform me as soon as possible of your chosen companion so that I can make the necessary arrangements to allow them to attend.

The purpose of the meeting is to allow you to explain your grievance and discuss how it can be resolved. If you wish to rely on any written material or documents, you may simply bring them to the meeting.

If you are unable to attend the meeting, please inform me as soon as possible. If your chosen companion is not available, you may specify another date for the meeting up to five working days later.

(Optional: I appreciate that this meeting has been arranged at short notice so please advise me if you would like to propose an alternative date.)

Should you have any queries about this process or questions about what the grievance meeting will involve, please let me know and I will be happy to discuss the arrangements in detail with you.

Yours sincerely,

Name
Job Title

CC: Human Resources.
Enc. Grievance Policy.



Appendix 3

Private and Confidential

Name
Address
Address
Address

Date

Dear

Re: Investigation

Further to our **conversation/further to my email** on **XXX**, I have been appointed to investigate **XXX**

To assist in my investigation, I would like to meet with you on **XXX** at **XX** at **XX**. **XX** will also be in attendance to support me.

At the meeting I will be asking you questions in relation to the incident **XXX**. Notes will be taken, and you will have an opportunity to review the content of the notes. You may be accompanied by a trade union representative or work colleague.

In order to maintain confidentiality, I would ask that you do not discuss this matter with anyone other than your trade union representative. If you have any questions in relation to this matter, please do not hesitate to contact me on **XXXXXX**.

I would be grateful if you could contact me as above to confirm your attendance at the meeting and to confirm if you will be bringing someone with you.

Yours sincerely

Name
Job title

CC: Human Resources.



9. DEFINITIONS/GLOSSARY OF TERMS

Abbreviation or Term	Definition
MBPCC	Morecambe Bay Primary Care Collaborative
CQC	Care Quality Commission

10. CONSULTATION WITH STAFF, PRACTICES AND PATIENTS

Name	Job Title	Date Consulted

11. DISSEMINATION/TRAINING PLAN

Action by	Action Required	Implementation Date
Liz Stedman	Upload policy to MBPCC website	June 2022
Liz Stedman	Delete out of date copies and host current copy on Federation G Drive (supporting induction process), updating Policy tracker	June 2022
Liz Stedman	Upload to TeamNet	June 2022

12. AMENDMENT HISTORY

Version No.	Date of Issue	Section/Page changed	Description of change	Review Date
V1.0	21/06/2022	All	New policy	21/06/2024
V1.0	21/06/2022	Review	Approved by the Board	21/06/2024