

Staff Grievance Policy

Purpose and scope

This procedure is to help and encourage all employees to have the opportunity to proactively resolve an action, practice, or behaviour by another employee, employees, or Healthwatch Rutland, which they believe affects them and their employment at Healthwatch Rutland. The aim is to ensure consistent and fair treatment for all, without prejudice to an employee's employment and without unreasonable delay. This procedure applies to all employees regardless of length of service.

Principles

1. The intention of this policy is to provide a systematic process from which an employee can see how a grievance would be handled, if required. Ideally, any potential areas of concern for an employee can be dealt more quickly and effectively for all parties, informally with the line manager and/or relevant party. If a grievance cannot be resolved informally, an employee may wish to use a formal procedure.
2. When discussing the problem all parties should ensure that they remain respectful of each other, using factual information and examples where possible, to help ensure the process remains constructive.
3. If the complaint or grievance relates to the employee's line manager, the Chief Executive, they should raise the grievance with the Board Chair. If the complaint or grievance relates to the employee's line manager, the Board Chair, they should raise the grievance with any other member of the Board.
4. A grievance procedure should not be used to complain about dismissal or disciplinary action. If an employee is dissatisfied with any disciplinary action, they should submit an appeal under the Disciplinary procedure.
5. If an employee has difficulty at any stage of the grievance procedure because of a disability, or because English is not their first language, they should discuss the situation with the Chief Executive in the first instance.
6. Written grievances will be placed on an employee's personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process.
7. During the operation of the Grievance procedure the status quo will remain (i.e. the procedures, policies, working practices and management arrangements which applied immediately prior to the formal use of the grievance procedure) until Healthwatch Rutland's procedure is exhausted.
8. This policy and procedure may be subject to alteration to reflect future changes in legislation or by Trade Union negotiation.

Whistleblowing Policy

Please note that where the employee feels they have been victimised for an act of "Whistleblowing", they may raise the matter under this grievance procedure.

Collective Grievances

1. If more than two employees have identical grievances and wish them to be addressed in the same grievance process, a request to the Board Chair can be made to consider a collective grievance within the same procedure.
2. Subject to the agreement by the Board Chair to hear the grievance as a collective grievance, employees wishing to pursue a collective grievance should nominate individuals to represent their interests throughout the process. These individuals will be referred to as 'nominated representatives' and may or may not be Trade Union representatives. Nominated individuals will be responsible for representing the interests of all employees in the collective grievance, including presenting the case at any meetings.
3. The procedural framework for collective grievances will reflect those for individual grievances. In this way if any individual grievance becomes a collective grievance it will not be necessary to revert to the beginning of the grievance procedure.
4. If employees raise a collective grievance while they are all subject to the same or substantially similar disciplinary proceedings, Healthwatch Rutland may, if appropriate and depending on the nature of the grievance(s) raised, temporarily suspend the disciplinary proceedings pending the outcome of the collective grievance. Healthwatch Rutland may also follow both the disciplinary and grievance processes concurrently.

Dealing with grievances informally

1. Wherever possible, if an employee has a grievance or complaint to do with their employment, or the colleague(s) they work with, they should start by talking it over with their line manager, or appropriate representative. Through raising the matter informally, a resolution is more likely to be addressed quickly and effectively.
2. The Chief Executive and/or Board Chair should deal with these cases sensitively and should generally start by talking privately to the individual about the concerns of fellow employee(s). This may resolve the grievance. Attention needs to be taken that any discussion with someone being complained about does not turn into a meeting at which they would be entitled to be accompanied. Alternatively, and if appropriate the Chief Executive might suggest mediation which may help resolve the issue.
3. If the grievance is not resolved at an informal level, the employee may wish to progress to the formal stages of the procedure, by stating their grievance in writing to a Board Member. Where the grievance is against the Chief Executive and the employee feels unable to approach them, they should talk to the Board Chair.

Cases where mediation may help

1. An independent third party, or mediator, can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

2. Mediators may be from an external mediation provider. They can work individually, or in pairs as co-mediators. There are no hard-and-fast rules for when mediation is appropriate but below are examples of when it could be used:
 - for conflict involving colleagues of a similar job or grade, or between a line manager and their staff
 - at any stage in the conflict, to build relationships after a formal dispute has been resolved
 - to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment

Cases unsuitable for mediation

Examples of when mediation may not be suitable include:

- used as a first resort - because people should be encouraged to speak to each other and talk to their line manager before they seek a solution via mediation
- it is used by a manager to avoid their managerial responsibilities
- a decision about right or wrong is needed, for example where there is possible criminal activity
- the individual bringing a discrimination or harassment case wants it investigated
- the parties do not have the power to settle the issue
- one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

Formal Grievance

1. If the matter is serious and/ or the employee wishes to raise the matter formally they should set out the grievance in writing to their line manager, indicating that it is a formal grievance. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations, the line manager may need to ask the employee to provide further information.
2. In some cases, it may be necessary for Healthwatch Rutland to carry out an investigation into the grievance. The depth of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.
3. The employee must co-operate fully and promptly in any investigation. This may include informing Healthwatch Rutland of the names of any relevant witnesses, disclosing any relevant documents to Healthwatch Rutland and attending investigative interviews if required.
4. At each stage of the grievance process the employee will be invited by the Chair (of the grievance meeting) to discuss the issue, normally within 5 working days. If it is not possible to respond in this time period the employee will be given an explanation for the delay and told when a response can be expected. If the employee wishes to bring a representative or provide additional evidence at the meeting the employee should submit this to the Chair of the grievance meeting as soon as reasonably practicable, before the meeting. The employee and their companion, if applicable, should make every effort to attend grievance meetings. If the employee or their companion cannot attend at the time specified, the employee should inform the Chair of the grievance meeting immediately and Healthwatch Rutland will try, within reason, to agree an alternative time.

5. During any of the formal meetings, the Chair hearing the grievance will detail the status of the meeting and the employee will have an opportunity to present their case. If previously agreed, witnesses may be called to provide evidence. Where more than one employee is involved, the Chair will hear both parties, have the opportunity to ask questions, and investigate further, if required. Both sides will have the opportunity to sum up their position. The person raising the grievance will be the last to summarise their perspective before the Chair makes their decision.
6. A record will be kept of the grievance hearing and a copy will be given to the employee upon request.
7. If at any stage, the grievance remains unresolved it can be reviewed by the Chair of Healthwatch Rutland and the Trade Union to determine whether the matter can usefully continue within the grievance procedure or whether more appropriate action can be recommended.
8. If a grievance is raised by an ex-employee, Healthwatch Rutland may at its discretion choose to investigate and respond to the employee.

Grievance Meeting (first stage)

1. The purpose of a grievance meeting is to enable the employee to explain their grievance, how the employee thinks it should be resolved, and to assist Healthwatch Rutland to reach a decision based on the available evidence and the representations the employee has made.
2. After an initial grievance meeting Healthwatch Rutland, at its discretion, may carry out further investigations and hold further grievance meetings under this stage as it considers appropriate until a decision can be made. Such meetings will be arranged without unreasonable delay.
3. After the meeting, the relevant line manager will give a decision in writing, normally within 5 working days. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and told when a response can be expected.

First Appeal (second stage)

If the employee is unhappy with the decision, they may appeal by writing to the Board Chair, stating their full grounds of appeal. This must be within 5 working days of receiving the first stage decision. The appeal meeting would be chaired by a Healthwatch Rutland nominated Board member.

Final Appeal (third stage)

If the employee is still unhappy with the decision, they may make a final appeal by writing to the Chair stating their full grounds of appeal. This must be within 5 working days on receiving the second stage appeal decision. The appeal meeting is chaired by the Healthwatch Rutland Chair (or other nominated Board member if appropriate) and this is the final right of appeal through Healthwatch Rutland. After the meeting, the Chair will give a decision in writing, normally within 5 days. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and told when a response can be expected.