

Policy Interim Arrangements

Policy Arrangements agreed in Partnership

Following an external audit of NHSBT Grievance Policy some recommendations were made which, if implemented, could have an immediate and positive impact on colleagues raising a formal Grievance. Therefore, ahead of the full Policy review as part of the upcoming Conflict Resolution Work, this addendum has been discussed and agreed with Trade Union Colleagues via the Policy Sub-Group and should be read in conjunction with the Grievance Policy and it's supporting Frequently Asked Questions.

This is effective from 1st October 2023.

Delays in the Process – Grievances should be completed in 3 months. If unavoidable delays occur, these should be discussed with the individual raising the Grievance, their rep, line manager and Grievance Panel Members. Discussions to be followed up in writing by the Panel Chair, setting expectations for updated timescales and an undertaking to keep all parties informed.

Using Template Letters – letters are available to support consistency of communication and so managers should reference these when sending communication to the individual raising the Grievance. However, they are for guidance and therefore managers should amend as appropriate to ensure communication is tailored to the specifics of the Grievance case.

Grievance and Dignity at Work complexities – an assessment will be made on receipt of a Grievance complaint to understand if the concerns raised overlap with the Dignity at Work Policy – ie concerns raised about behaviour of others. Where the concerns straddle both policies, a discussion with the individual raising the complaint (and their rep if they have one) will take place to agree the best way to progress the concerns through to resolution. The decision will be documented and communicated to all parties, with a copy held on the central case file.

Dealing with Recommendations from Grievance Cases – the standard paragraph included in outcome letters references the actions to be taken to ensure any recommendations from the panel are handed over the business for implementation. It is good practice for the Panel Chair to review periodically the progress of the implementation until fully embedded – this provides insight should issues escalate again or become subject to a further cases or legal challenge.

Grievance

1. Policy Statement

The purpose of the Grievance Policy and Procedure is to provide a route for resolving a problem, concern or complaint about work. The policy also encourages free and open communication between employees and their managers to ensure that questions, queries and problems can be aired and dealt with quickly to the satisfaction of everyone. There will be many occasions when minor queries can be dealt with immediately and on an informal basis for example:

- Working conditions or environment
- Employment rights
- Terms and conditions
- The way you are managed
- New working practices
- Unfair treatment
- Opportunities for career development

Where informal attempts to resolve issues have been unsuccessful it may be necessary to utilise the formal stages of the Grievance procedure. The aim will be to mediate to resolve the concern, and seek solutions to the issue raised to resolve it as quickly as possible.

2. The Process

Talk with your manager

Talk to your line manager about your concern as soon as possible, and try to resolve your concerns informally. If you can't do this (for example, because your complaint relates to your line manager), then speak to your manager's manager. The manager you raise the problem with will discuss your concerns in confidence, explore the situation appropriately and try to resolve your concerns. You and the manager should both make a note of your discussion and what you agree.

Where possible, if both parties are unable to agree a solution in the informal stages, NHSBT will maintain the status quo or keep any proposed changes the same until an issue is resolved.

If raising an Individual Grievance

If you cannot resolve a concern with the assistance of your manager, or informal methods suggested have not resolved the issue, then a formal grievance can be raised by completing a Formal Grievance Submission (see forms) as soon as possible and giving it to your manager, or if appropriate, their manager.

Collective Grievance

If after speaking with the relevant manager, a group of trade union members still feel unhappy about a work related matter, a local staff side representative may challenge this by submitting a Formal Grievance Submission form (see forms) to the appropriate level of management, on their behalf. This needs to be supported by a national SPC representative.

Normally, the status quo will apply. There are times when this may not apply, if so, it will then be resolved by Joint Officers at the SPC. Your working and management arrangements, which applied immediately before your grievance was raised, will continue to apply until this procedure has been exhausted. Status Quo will not apply if your grievance is raised following the implementation of organisational change. Similarly, if your grievance is against national terms and conditions, this will be sent to the SPC staff side chair and secretary, who would ultimately decide if the grievance will be pursued.

Expected Outcome

With any grievance, whether an individual or collective, it is important that from the outset everyone is clear on the outcome expected i.e. what does the individual or group want to see retained/stopped, changed or implemented in order to resolve the issue for them.

Although this policy is about the application of NHSBT policy, at the informal stage or when the form is submitted, mediation could be considered if appropriate and agreed by all parties, to attempt to resolve the issue.

The Grievance Panel

Following the raising of a grievance, this will be referred to a manager (Chair) who has not had any previous involvement in the issue and, where possible, will not be the manager of the person who dealt with your grievance at the informal stage. This **independent manager** will assess the contents of your grievance, confirm receipt and may ask you for details that are not specific or clear on the submission form. They will be supported by another manager, again independent of the issue and often present due to their technical expertise relating to the issue. Therefore, this may be a manager from the same directorate, similar or a HR practitioner.

The Panel will be held with no unreasonable delay and you will be invited to present your concerns and say how you would like to see the problem or concern resolved. In addition, the panel will invite the manager who made the original decision, so that they have the opportunity to state clearly their reasons for their decision. You have the right to representation by an NHSBT employee or representative of a Trade Union you belong to. There will be an opportunity for all parties to ask questions during this process.

Each party may request that witnesses are made available to attend should they have additional information in support of the case. Their names and the basic details of their involvement will be required by the panel at least 7 calendar days before the date of the hearing. This information will be shared with you and your manager, before the date of the panel.

Although it is not always possible, should the chair be in a position to explain their decision after an agreed adjournment, this will take place. In each case you will be sent a letter to confirm the outcome and details of your right to appeal within 7 calendar days.

Making an Appeal

If you are not satisfied with the outcome of the grievance panel and your concerns remain unresolved, you can appeal against the outcome and decisions taken by the chair.

- This needs to be in writing, within 7 calendar days of the date of the letter confirming the outcome. The letter should be sent to the Appeals secretary
- Within 21 calendar days from the date of the outcome letter, you will be required to provide full details of your grounds for appeal, making clear what resolution you are seeking
- This will then be provided to the chair of the grievance panel for them to prepare their response to your grounds of appeal, which will be provided to you a minimum of 7 calendar days before the appeal

An appeal will be held, again without unreasonable delay. A more senior manager than the manager who heard the original grievance and not previously involved in the process, will chair the Appeal. It will also be supported by a HR representative and a nominated National senior staff side representative.

You and the original chair at the grievance panel, can present information to the appeal panel about your original complaint and the process followed so far. The panel will make a final and binding decision, normally on the same day if this is possible but on occasion may be provided at a later date, without unreasonable delay. You will receive confirmation in writing of the appeal outcome within 7 calendar days of the appeal hearing.

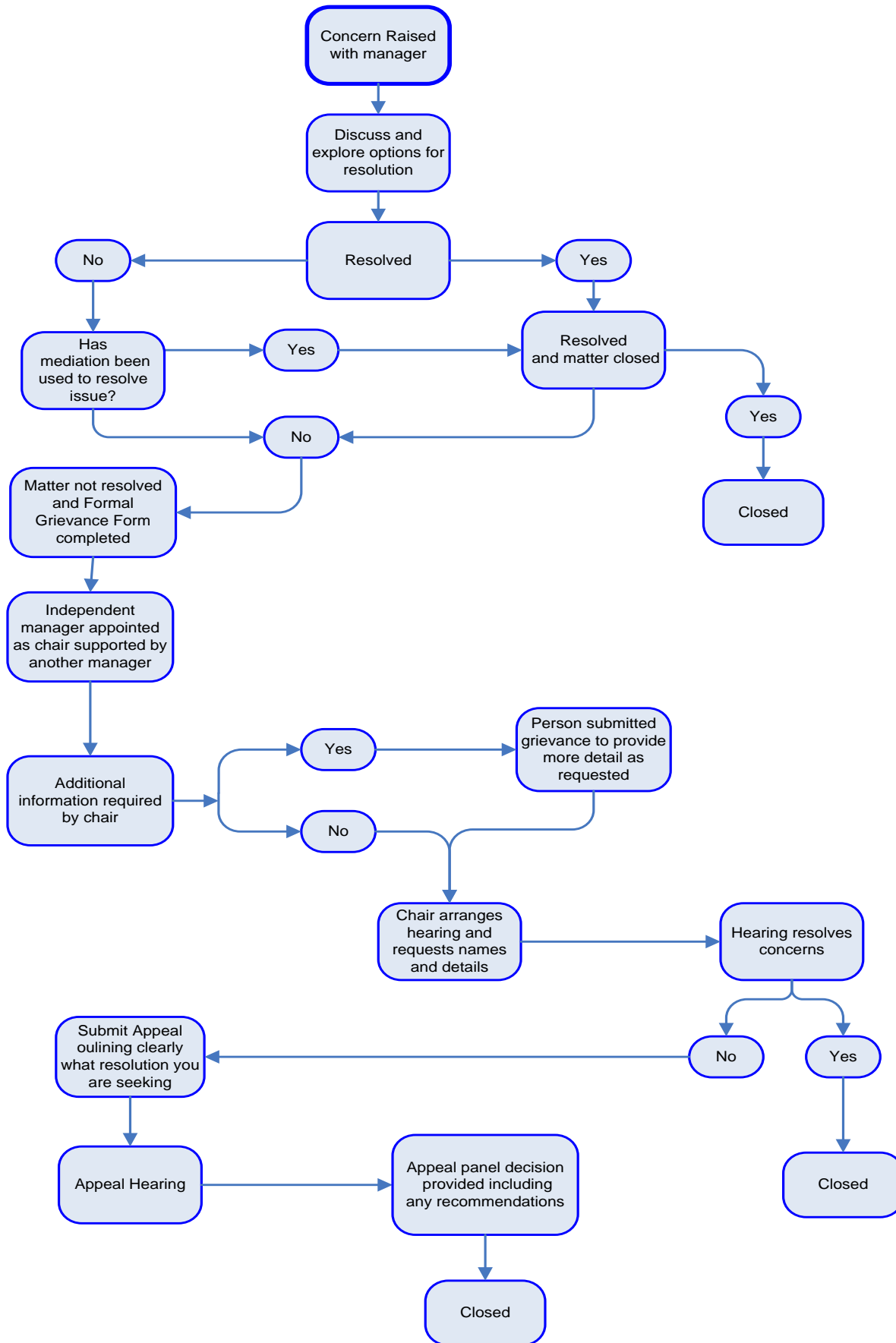
Records

Each manager you meet with will keep a written record during each part of the grievance process,

including details of:

- your original grievance
- Meetings and hearings
- NHSBT response and reasons
- action taken
- Any appeal and outcome

3. Flowchart



4. Policy Approval and Review

Policy version	UCD/People/Grievance/003v1.2
Title	Grievance Policy
Approved by SPC	January 2018
Equality Impact Assessment completed	21 st February 2018
Counter Fraud Check completed	16 th February 2018
This document replaces	UCD/Workforce/Grievance/003v1.1
Effective Release Date	1 st March 2018
Review Date	1 st March 2022
Author	Daryl Hall
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First