Grievance Policy

**Document Control Sheet**

| **Document Author** | Eamonn Cummings |
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| **Date Policy Effective From** | 01 September 2021 |
| **Next Review Date** |  |
| **Reviewed on** | 03/06/2022 EPC |
| **Keywords** | Investigations, Appeals, Malicious Allegations. |

This policy supersedes all previous versions.

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# Introduction

* 1. The aims of this Grievance Policy and Procedure are to:
     1. Explain the nature of a grievance, so that employees understand the circumstances in which the Grievance Procedure should be used;
     2. Confirm the Shine Bright Care approach towards grievances; and
     3. Provide a framework within which employees can raise their concerns formally and have them resolved promptly and fairly.

# Purpose

* 1. It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
  2. This procedure has been implemented following consultation with the Senior Management Team.
  3. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

# Scope

* 1. This policy and procedure applies to all employees regardless of length of service. It does not apply to volunteers, agency workers or self-employed contractors.
  2. In the event that a volunteer has cause for concern, it should be set out in an email and sent to the Director of Operations for consideration.
  3. There is a simplified version of the grievance policy and procedure for care and support workers (please refer to the Casual Staff Handbook instead).
  4. This policy contains the procedure for raising grievances. The procedure is the same regardless of whether the grievance is brought by an individual or a group of employees (a collective grievance).

# Duties - Roles & Responsibilities

## Director of Operations

The Director of Operations has the authority to ensure compliance with this policy and procedure.

## Company Directors

Company Directors are responsible for ensuring the implementation of this policy and for the regular review of the policy.

The Company Directors are also responsible for reviewing the compliance information that the Senior Management Team is required to report (see section [4.4](#_heading=h.2et92p0) below).

## Line Managers

Line managers are responsible for signposting employees to the correct procedure for their complaint, for example, it may be more appropriate to deal with minor concerns about bullying or harassment informally under the Trust’s Dignity at Work Policy first. If a manager is not sure about the correct procedure to use, they should seek advice from both the Area Manager and Director of Operations.

Line managers are responsible for making attempts to resolve all issues that arise in or are connected to the workplace, initially by informal resolution.

If informal resolution is not successful, line managers are responsible for giving formal consideration to the grievance; in doing so, line managers must seek advice from the Area Manager and Director of Operations before delivering their decision.

Line managers are responsible for conducting thorough investigations into the grievance and for seeking advice or support from senior managers or the office manager if they are inexperienced or unsure about best practice or have a technical/difficult issue.

Line managers are ultimately responsible for the conclusions they reach and the recommendations that are made and for ensuring that they are implemented on conclusion of the process.

## Senior Management Team

The Senior Management Team is responsible for advising line managers and the office manager on the following matters:

* The applicable procedure and compliance with it;
* Compliance with timescales;
* The strength of the evidence;
* Whether any further enquiries may be necessary/useful;
* The structure of the report (whether it tells a story and reaches any conclusions);
* The remedies/recommendations that may be available to a manager; and
* Whether the proposed outcome is reasonable in all of the circumstances.

It is not the role of an office manager to tell a manager how to resolve the grievance or to dictate the outcome. Line managers must be encouraged to gather and thoroughly consider their own evidence and reach their own conclusion(s), with support.

Area Managers/Director of Operations are expected to advise line managers on the merits and pitfalls of their conclusions so that they can make properly informed and fair decisions.

The Director of Operations and Area Manager are required to report to the office manager, any situation in which procedural timescales are not complied with (along with any relevant factors) so that compliance can be monitored.

# Using the Grievance Procedure

* 1. A grievance can be any concern, problem, or complaint that an employee raises with Shine Bright Care under this policy; however, please refer to the latter part of this section for examples of complaints that should be raised under separate and different policies. Issues that could give rise to a grievance may include:
     1. terms and conditions of employment;
     2. health and safety;
     3. work relations;
     4. bullying and harassment;
     5. new working practices;
     6. working environment;
     7. organisational change; and
     8. discrimination
  2. If a line manager is unsure whether an employee is using the correct procedure, or if there are concerns that informal resolution has not been considered, line managers should seek advice from the Area Manager before proceeding.
  3. This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.
  4. We have a separate policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or

harassment involving other people. We would encourage you to make use of that policy to try and resolve the issues informally in the first instance. In the event that the bullying and harassment policy does not resolve your concerns, you may escalate them under the Grievance Procedure.

* 1. We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing, or malpractice. The purpose of that Policy is to enable employees to make reports of incidents that need to be addressed at a senior management-level, such as any concerns relating to our compliance with CQC Regulations. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you should raise the matter under this Grievance Procedure.
  2. If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with your line manager (or, if your line manager is the subject of your concern, with the Area Manager or Director of Operations) as soon as possible.
  3. Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

# Raising Grievances Informally

Most grievances can be resolved quickly and informally through discussion with any colleague concerned (for example, if your complaint concerns the behaviour of a colleague), or ultimately, your line manager (if you would like your line manager to intervene or attempt to resolve the situation).

If you feel unable to speak to your manager, for example, because the complaint concerns him or her and you do not feel able to raise it with him/her, then you should speak **informally** to a more senior manager. If this does not resolve the issue, you should follow the formal procedure below.

# Formal Written Grievances

* 1. If your grievance cannot be resolved informally, you should put your grievance in writing and submit it to your line manager, indicating that it is a formal grievance. Should the grievance concerns your line manager, you may submit it to a more senior manager instead.
  2. The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. You should also let us know what you would like to achieve as an outcome. In some situations we may ask you to provide further information.
  3. Where more than one employee is affected by the same complaint, a nominated representative may submit a collective grievance on their behalf. This negates the need for each employee to raise an individual grievance of their own. A collective grievance should contain the name of the representative

who is complaining on behalf of the employees. It should also name the employees on whose behalf the grievance is being raised.

* 1. The formal process should take no longer than 28 days (including investigation time). There may be exceptions; in this instance the hearing manager should seek to agree extensions to the timescales with the employee and keep the employee up to date, at intervals to be agreed.

# Investigations

* 1. It may be necessary for us to carry out an investigation into your grievance. The amount 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 you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by your line manager, or if your line manager is the subject of your grievance, we will ask someone else to do that.
  2. You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation. If you do not co-operate with us, we will not be able to hear your grievance. Shine Bright Care will not investigate anonymous grievances.
  3. We may investigate the facts before holding a grievance meeting where we consider this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

# Right to be Accompanied

* 1. You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.
  2. At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.
  3. Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.
  4. If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else. In exceptional circumstances, Shine Bright Care will accept that staff may wish to be supported by Trade Unions,

Shine Bright Care may extend this timescale to allow appropriate representation and preparation (for the Trade Union Representative).

* 1. We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

# Grievance Meetings

* 1. Shine Bright Care will acknowledge any grievance promptly and always within seven calendar days.
  2. Shine Bright Care will arrange a grievance meeting to take place promptly and always within fourteen calendar days of receiving your written grievance.
  3. You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
  4. The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
  5. After an initial grievance meeting, we may carry out further investigations and hold further meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
  6. Shine Bright Care will write to you promptly, usually within seven calendar days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.
  7. Shine Bright Care may decide to uphold your grievance in full or in part. We may also decide not to uphold your grievance.
  8. All decisions will normally include an explanation of the decision, a view on whether the desired outcome is to be granted, recommendations for remedy between the parties and information regarding the appeal process where applicable.
  9. The hearing manager will produce a factual report to sum up their key findings and recommendations. A copy of the report will be saved on the personnel file of the employee who has raised the grievance.
  10. Any notes or documents arising from the investigation or grievance hearing should be copied and forwarded to the office manager for secure storage. The office team will place a note on the personnel file of any employee involved in the grievance, to the effect that additional notes are securely stored within the office concerning a grievance (including the date of the grievance in the notes and the

location of the grievance notes). The purpose of this procedure is to ensure an audit trail, while ensuring that data is securely stored in accordance with the Data Protection Act principles.

* 1. The hearing manager may identify facts that suggest disciplinary action is appropriate. In any such situation, the hearing manager will contact HR to identify the name of the employees line manager and will highlight the key facts to him/her for consideration. In any such situation, the line manager must consider the information that has been conveyed to him/her and discuss the situation with an HR advisor before deciding whether any disciplinary action will be taken. In the event that disciplinary action is not necessary, the manager should place a note of the background and the decision on the employees personnel file.
  2. The hearing manager may identify that an amendment to the Shine Bright Care policy or procedure may be useful. In such a situation, the hearing manager should bring this to the attention of the Company Directors.
  3. The hearing manager should discuss the following matters with the employee who has raised the grievance, prior to issuing the outcomes/decision:
     1. The employees work commitments in the next 7 days – this is relevant to whether they will have the opportunity to pick up, consider and respond to the outcome within the appeal procedure, or whether an extension may be necessary (NB: this should not delay most appeals and should be reserved primarily for frontline staff who may work long shifts and/or unsocial hours);
     2. The employees preference for receiving the outcome (in person, by email or by post). This conversation is useful for addressing any concerns about ability to appeal at paragraph [10.13.1](#_heading=h.26in1rg) (i.e. for those working away from home, email will be more efficient/useful than a posted outcome).

# Appeals

* 1. If the grievance has not been resolved to your satisfaction, you may appeal in writing to the person identified in your outcome letter, stating your full grounds of appeal within seven calendar days of the date on which the decision was sent or given to you.
  2. We will hold an appeal meeting, normally within fourteen calendar days of receiving your written appeal. This will be dealt with impartially by a [more senior] manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see paragraph [9](#_heading=h.2s8eyo1)).
  3. You will be asked to state your grounds of appeal. You will also be able to ask questions, present evidence, call witnesses and be given the opportunity to raise points about any information provided by witnesses. You will be entitled to be accompanied by a trade union representative or a work colleague.
  4. The original hearing manager will attend the hearing to present the reasons for the original decision and provide a response to the reasons for appeal. They will also answer any questions from the panel or the employee and their representative.
  5. Once summing up has been concluded an adjournment must be held in order for there to be a reflection by the appeal panel to consider the outcome. Wherever possible, the employee shall be informed verbally of the outcome of the hearing at this stage. Please refer to paragraph [10.13](#_heading=h.3rdcrjn) for guidance on delivering decisions/outcomes.
  6. We will confirm our final decision in writing, usually within seven calendar days of the appeal hearing. This is the end of the procedure and there is no further appeal.

# Post-Conclusion Support

* 1. Shine Bright Care encourages all parties with a grievance to conduct themselves in a professional manner at all times. Managers are reminded that they are representatives of the organisation and must always conduct themselves appropriately during, and after the conclusion of, a grievance.
  2. Bullying, harassment, or intimidation of any person involved in a grievance (whether it be the complainant or the person against whom allegations have been made) will not be tolerated and disciplinary action may be taken as appropriate.
  3. We understand that working relationships may be affected by a grievance. Shine Bright Care has a variety of resources that employees may access, including the Counselling Service, Internal Mediation, the Occupational Health Department and the Senior Management Team, who may signpost individuals to a particular service.
  4. Shine Bright Cares’ Bullying and Harassment Work Policy may also be useful.

# Untruthful or Malicious Allegations

* 1. This Policy & Procedure is designed to assist employees who have a genuine cause for concern. It is not designed to enable individuals to escalate untruthful or malicious allegations in bad faith.
  2. Where we suspect bad faith, we will take disciplinary action under our Disciplinary Procedure, as appropriate.

# Glossary of Terms

This policy uses the following terms:

| **Term** | **Description** |
| --- | --- |
| **CQC Regulations** | The requirements of our regulatory body, the Care Quality Commission (the CQC) |

# Training Required for Compliance with this Policy

* 1. Managers will receive training on the content of this policy and in best practice for implementing the procedure.
  2. Shine Bright Care managers will receive training and regular updates on best practice in order to effectively support senior staff in conducting a fair process.

1. **Equality & Diversity**
   1. Shine Bright Care is committed to ensuring compliance with the Equality Act 2010.
   2. Shine Bright Care is committed to ensuring that the way that we treat our staff does not discriminate against individuals or groups on the grounds of any protected characteristic.

# Monitoring Compliance with and Effectiveness of this Policy

* 1. The Senior Management Team will support manager(s) in compliance with this policy and will report any concerns to the Director of Operations.
  2. From time to time, it may be appropriate to arrange debriefs with managers to review the way that a particular grievance was handled and to consider further training and development needs.
  3. The Director of Operations will share matters of best practice with their various staff teams and in turn, the Senior Management Team will share best practice with managers.
  4. The Director of Operations will monitor consistency in managerial decision making across Shine Bright Care and may recommend additional training and development for managers as required.

Grievance Policy

Compliance and Effectiveness Monitoring Table for this policy

| **Process in the policy** | **Monitoring and audit** | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Key Performance Indicators (KPI)/**  **Criteria** | **Method** | **Who By** | **Responsible person** | **Frequency** | **Learning/ Action Plan** |
|  |  |  |  |  |  |  |
| Timescale for completion of grievance process, including appeal process | * Acknowledge receipt within 7 days * Arrange meeting within 14 days * Completion of formal grievance process within 28 days * Arrangements for appeal within 14 days | Sample audit of grievance case files | Director of Operations not involved in the case | Director of Operations | Annually |  |
|  |  |  |  |  |  |  |
| Decision Making | * Consistent decision making * Best practice | Case reviews/debriefs | Director of Operations/Director Shine Bright Care | Director of Operations | On going | * Sharing Good Practice * Case Review Sessions * Management Training |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

**APPENDIX 1**

**Form for the Recording of Grievances**

This form must be used by individual employees or a group of employees and/or their staff representatives for raising a grievance under the formal Grievance Procedure.

On completion, it must be signed and forwarded to the employees line Manager or, in cases where the grievance is against the line manager, to that persons’ line manager. Additional sheets may be attached if required.

Should a written complaint be submitted and addressed formally in an alternative format (eg email/letter) in these cases this will be treated as a written grievance.

1. **PARTIES TO THE GRIEVANCE**

Please state the name(s) of those involved in raising this grievance and also of any representative(s).



NB. In the event of a collective grievance, the Trust may ask for information on the numbers of staff and staff groups involved and signatures of every individual.

1. **COMMUNICATIONS**

Please state the name and address of the person nominated as the point of contact for further communication.



Please identify any dates when you or your representative are not available to meet to discuss the grievance.

**THE GRIEVANCE**

1. Please describe the nature of the grievance in as much detail as necessary to assist the manager(s) concerned to reach a resolution, continuing on a separate sheet if necessary.



1. **OUTCOME OR REMEDY SOUGHT**



| **5 ORIGINATOR**  **(This will normally be the employee unless in the event of a collective grievance)**  Signature ……………………………………  Print Name………………………………………….  Post Title……………………………………..  Department/**OR**  Staff Organisation……………………….  Date…………………………………………….  Contact Number…………………………. | **6 RECEIVING MANAGER**  Signature ……………………………………..  Print Name……………………………………………  Post Title……………………………………….  Department ………………………………….  Date……………………………………………….  Contact Number……………………………. |
| --- | --- |