



Western Health
and Social Care Trust

GRIEVANCE PROCEDURE

SEPTEMBER 2007

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GRIEVANCE PROCEDURE

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1. INTRODUCTION

The Western Health & Social Care Trust recognises that in the course of work, an employee may feel aggrieved and expects that normal day-to-day management should deal with the majority of work issues without the need to resort to formal procedures.

The Trust recognises the right of employees to seek a satisfactory resolution to their grievances. Employees should normally in the first instance give their immediate manager the opportunity of resolving the matter, before progressing their grievance formally.

The purpose of this procedure is to provide an employee or group of employees with the opportunity to have their grievance considered quickly and effectively. When a grievance is raised, it should, where possible be resolved at the earliest opportunity and at the most appropriate level of management.

2. GUIDANCE AND DEFINITIONS

Trust Employee - is anyone employed by the Western Health & Social Care Trust.

Employee Representative - is any employee of the Trust who is an accredited representative of a trade union, professional organisation or staff organisation, a full time official of any of the above organisations or a fellow Trust employee. Legal Representation, that is solicitors and/or professional legal counsel, will not be permitted at any stage of this Grievance Procedure.

Grievance Panel – the persons with the appropriate authority to resolve the grievance

3. PRINCIPLES

- a. The employee has the right to a personal hearing
- b. Relevant witnesses may be called by the employee or the Trust
- c. Issues which may give rise to a grievance may include differences between the Trust and a Trust employee on any employment matter generally, for example, on an illustrative but not exhaustive basis: a decision taken by management or the application of terms and conditions of employment etc.
- d. In cases where the Chief Executive is the line manager, the employee may raise the grievance with the Chairperson of the Trust Board or his/her nominee.
- e. Management should seek to ensure that all grievances raised under this Procedure are addressed as quickly as practicable
- f. It is expected that when an employee has a grievance, that this will be raised as close to the issue / event as soon as is practically possible. This should not normally be later than four months after the issue / event other than in exceptional circumstances.

- g. All parties have the responsibility to respond to issues pertaining to this grievance process in a timely manner.
- h. Managers have a duty to make every effort to resolve issues at the earliest opportunity. They are accountable for maintaining good employee relations and must therefore ensure that unacceptable delays do not occur in responding to grievances.
- i. At all stages during the grievance procedure the employee will have the right to be accompanied and/or represented by an employee representative as defined in Section 2.
- j. At all stages, the grievance procedure will be completed as quickly as possible within the defined timelines unless by mutual agreement.
- k. An employee who has a grievance must exhaust each stage before proceeding to the next. The matter will not normally be progressed until the previous procedural stages have been concluded.
- l. In the event that the manager or grievance panel fails to meet the above deadlines, without prior agreement with the employee or their representative, the employee shall have the right to progress the grievance to the next stage.
- m. Managers should retain written records of all grievance hearings and meetings.
- n. All parties are expected to take all reasonable steps to participate fully with the grievance procedure.

4. MEETINGS / HEARINGS

Employees are expected to participate fully with the grievance process. If a Trust employee cannot attend a meeting/hearing through circumstances outside her/his control and unforeseeable at the time the meeting/hearing was arranged they must notify the HR Department and provide reasons. The Trust will arrange one further meeting/hearing. Failure to attend this rearranged meeting/hearing may result in the grievance process continuing in their absence based on the information available.

5. EXCLUSIONS

There are some employment issues, which are excluded from being raised under this procedure, as there are other Trust policies and procedures in place which incorporate appeals provisions that assist in the resolution of specific issues. In such circumstances this Grievance Procedure will not be applied.

GRIEVANCE PROCEDURE

This procedure details the appropriate steps to be followed when pursuing and dealing with a grievance.

6. INFORMAL PROCEDURE

In the event of an employee being aggrieved, the matter should be informally discussed in the first instance with their line manager. If the line manager is directly involved in the grievance, the grievance can be discussed with the next level of line management. They will determine who it is appropriate for employees to informally discuss the grievance with. The line manager should facilitate this meeting within ten days of receipt of the request. There should be an open and frank discussion of the grievance and the management response should be explicit and timely. It may be appropriate to record the response in writing. If the employee should choose to be accompanied by an employee representative, the manager should facilitate this.

Only where it has not been possible to resolve the grievance through informal discussion and/or communication, should the formal procedure, as detailed below, be initiated.

7. FORMAL PROCEDURE

STAGE 1 – FORMAL DISCUSSION AND RESOLUTION OF GRIEVANCE

- a. Where it has not been possible to resolve a grievance informally, an employee may raise a formal grievance. Employees are encouraged to do so by completing a Notice of Reference, see Appendix 1. The grievance should be forwarded to the Human Resources Department, who will acknowledge receipt of the grievance in writing and will arrange for a Grievance Panel to hear the grievance, normally within fifteen working days.
- b. The Grievance Panel will consist of two managers at an appropriate level.
- c. The grievance panel may invite a management representative and/or other employees associated with the grievance to be present at the hearing, if considered necessary to clarify any points raised. The Grievance Panel may also seek additional information/clarification in the pursuit of resolution of the grievance.
- d. The decision of the Grievance Panel will normally be conveyed in writing to the employee within seven working days from the date of the hearing, stating clearly the reasons for the acceptance or rejection of the case. This letter will also provide details of how to appeal this decision, should the employee believe the matter has not been resolved.
- e. If the decision of the Grievance Panel cannot be given within seven working days, the chair of the grievance panel should provide the employee with an explanation for the delay.

8. STAGE 2 – APPEAL STAGE

- a. An employee wishing to appeal the stage 1 decision should write to the Director of Human Resources within seven working days from the date of receipt of the letter containing the decision. The employee must include detailed grounds for the appeal, the original Notice of Reference, the stage 1 grievance decision and any other documents relevant to the appeal.
- b. The Human Resources department will acknowledge receipt of the appeal letter in writing and will arrange for a Grievance Appeal Panel to hear the grievance within fifteen working days or as soon as reasonably practicable.
- c. The Director of Human Resources or a duly designated member of the Human Resources department will be responsible for organising an appeal hearing. The panel for the hearing will normally comprise the relevant director or suitable senior management delegate from the directorate and a senior member of the Human Resources dept, neither of who should have had previous involvement with the case. In circumstances where the director has been previously involved in the case, the Human Resources department may seek a senior nomination from another directorate.
- d. Where appropriate, the appeal panel may invite a suitably qualified and experienced senior officer in the same profession as the aggrieved employee(s) from the Trust or outside the Trust to attend the hearing as an assessor. The assessor is there to provide professional advice to the panel as required and has no decision-making role.
- e. The Grievance Appeal panel may invite a management representative and/or other employees associated with the grievance to be present at the hearing, if considered necessary to clarify any points raised. The Grievance Appeal Panel may also seek additional information/clarification in the pursuit of resolution of the grievance.
- f. The decision of the Grievance Appeal Panel will be conveyed in writing to the employee within seven working days from the date of the hearing, stating clearly the reasons for the acceptance or rejection of the case. The decision of the Grievance Appeal Panel is final.
- g. If a response is not made within the timescales identified above, the chair of the grievance Appeal Panel should provide the employee with an explanation for the delay.

9. FORMER EMPLOYEES OF THE TRUST/MODIFIED 2 STEP PROCEDURE

The modified procedure applies where an employee has left employment. It applies where the employer was unaware of the grievance before the employee left, or was aware, but the standard grievance procedure had not been commenced or been completed before the employee left and both parties agree in writing that the modified procedure could be used.

- a. Step One of the modified procedure requires that the former employee must set out in writing the grievance and the basis for it. The grievance should be sent to the Director of Human Resources.
- b. Step Two requires the Trust to set out a response in writing and send it to the former employee. This process should be as transparent as possible and any relevant information

should be made available to the former employee. A written response will normally be made available within twenty-eight days of receipt of the written complaint.

10. RECORD KEEPING

Managers should forward copies of all documentation and correspondence relating to the grievance to the HR department for retention on the employee's record.

11. REVIEW OF THE PROCEDURES

These procedures will be reviewed periodically in consultation by the HSC (NI) Joint Negotiation Forum

Signed on behalf of Regional Staff
Side:

Signed on behalf of Trust:

Date _____

Date _____

These procedures are effective from 1 September 2007

Grievance Procedure - Notice of Reference Form

Personal Details

FULL NAME _____

STAFF NUMBER _____ GRADE _____

DEPARTMENT WHERE EMPLOYED _____

DATE APPOINTED TO POST _____

ADDRESS FOR CORRESPONDENCE _____

WITH WHOM THE GRIEVANCE WAS RAISED INFORMALLY_____ **DATE RAISED INFORMALLY** _____

* The details of this issue must be verified by the manager with whom the issue was raised.

STAFF ORGANISATION/TRADE UNION _____

NAME OF REPRESENTATIVE _____

IS A FORMAL PERSONAL HEARING REQUESTED YES NO **DETAILS OF GRIEVANCE: (If necessary use continuation sheet and attach to form)**

SIGNATURE _____ DATE _____

*Completed form to be forwarded to Human Resources, Employee Relations,
12c Gransha Park, Londonderry, BT47 6WJ*

Date received by Human Resources

SIGNATURE _____ DATE _____

NB: Where a grievance involves more than one employee details of all employees must be attached together with their signature. The group should then identify and indicate a maximum of 2 employees to represent the group at hearings.