



**Northumbria Healthcare**  
NHS Foundation Trust

# **Lead Employer Trust**

## **Grievance Policy**

## POLICY INFORMATION SHEET

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## 1. INTRODUCTION

The Lead Employer Trust (LET) recognises that from time to time employees may wish to seek redress for grievances both individual and collective relating to their employment (excluding any pending disciplinary process, disciplinary decision, decision leading to termination of employment by the employer or any circumstances under which another policy of the LET provides redress).

In this respect, the LET policy is to encourage free communication between employees and their supervisor to ensure that questions and problems arising during the course of their employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned. The vast majority of grievances should be resolvable through informal discussion between employees and their supervisors without the need to invoke the formal grievance procedure.

This policy does not cover and is totally independent of the Conduct and Capability Procedure.

## 2. SCOPE

This policy applies to all Doctors and Dentists in Training employed by the Lead Employer Trust.

This document deals with issues, which constitute a source of grievance to an individual or a group of employees. (Where a group of employees are aggrieved about an issue that affects them all they should agree on a spokesperson(s) to raise their collective grievance under this procedure. It should be made clear at the time of lodging the grievance on whose behalf the collective grievance is raised).

It **excludes** grievances which arise out of:

- Action taken for conduct or capability related reasons (i.e. under the disciplinary, capability or sickness absence procedures which are dealt with through the appeals process);
- Complaints about the application of the policies that support work-life balance (employment break, flexible working, special leave etc.);
- Complaints submitted against nationally agreed terms and conditions of employment.

Grievances must be raised without reasonable delay of the incident/grievance taking place (usually within one month). In exceptional circumstances, incidents/grievances lodged outside this timescale may be considered at the discretion of the LET.

## 3. PURPOSE

This document sets out the Procedure for settling differences between all employees and their colleagues, their host training organisation and/or management of the LET. The aim of the document is to achieve as rapid a resolution as possible to grievances raised to the mutual satisfaction of employees and the LET.

The purpose of the Policy and Procedure is to ensure that Managers, Employees, Trade Unions and Staff Organisation Representatives are aware of their entitlements and obligations in regard to staff grievances and that action is taken consistently and equitably throughout the LET.

## 4. DEFINITION

Grievances are concerns, problems or complaints that employees raise with their employers. Issues that may cause grievances include:

- health and safety;
- work relations;
- bullying and harassment;
- new working practices;
- working environment;
- organisational change;
- Discrimination.

## **5. REPRESENTATION**

Throughout the formal stages of this procedure, an employee has the statutory right to be accompanied by a companion once a reasonable request has been made. The chosen companion may be a fellow worker not acting in a professional capacity, a Trade Union representative certified as competent by the Trade Union or an official employed by a Trade Union. It should not be anyone whose presence could compromise the process.

The ACAS Code of Practice on Disciplinary and Grievance Procedures (2015) states that as a matter of good practice, employees should also bear in mind the practicalities of the arrangements.

## **6. COUNTER GRIEVANCES**

During a grievance investigation if at any point a counter grievance is received, this grievance must be investigated separately and a different investigating officer appointed unless agreed by all parties to use one investigating officer. This will ensure fairness throughout both investigations.

## **7. GRIEVANCES INVOLVING TRADE UNION REPRESENTATIVES**

Allegations involving Trade Union Representatives must first be discussed with a full-time officer of that organisation, prior to the commencement of an investigation. The host training organisation can help facilitate these meetings. Where only the host training organisation is present, they should advise the LET.

## **8. THE GRIEVANCE PROCEDURE**

### **8.1. Stage 1- Informal Stage**

In the course of their work an employee may feel aggrieved. It is important that grievances are resolved quickly and as close as possible to the point of origin. It is expected that all grievances will firstly be raised informally with the immediate supervisor/manager, and that both employees and management will make every effort to ensure that most individual issues are resolved in this way.

In regard to a collective grievance the elected spokesperson should raise the issue with their immediate supervisor/manager.

Where this has been unsuccessful, the issue(s) should be raised to the LET HR department who will consider using mediation. If no solution is found after an agreed period of time, the formal stages of the procedure may be invoked.

**NOTE 1:** Should the employee's grievance concern his/her immediate supervisor the grievance should be raised with the next most senior person and with the LET HR Department.

**NOTE 2:** Where complaints are considered too personal or sensitive to discuss initially with the employee's immediate line manager/supervisor, e.g. discrimination, victimisation or harassment, the matter may be referred directly to the LET HR Department. These matters will be handled in accordance with LET's Dignity at Work Policy.

### 8.1.2 Informal Procedure

The employee should inform their line manager/supervisor that they have a grievance which they would like to discuss. The line manager/supervisor receiving the grievance should consider what options may be available for informal resolution discussing with the LET where required, and arrange to meet with the employee as soon as possible, and no later than within two calendar weeks (14 days).

At the meeting, the employee should inform their line manager/supervisor of the details of their grievance and their desired outcome. There is no requirement to state the grievance in writing at this stage, although, particularly, in complex matters, it may be helpful if a written statement is available for future reference. The line manager/supervisor may need to ask questions to obtain further information or to clarify specific points.

If the issue is relatively straightforward, open and constructive discussion at this meeting may result in a satisfactory resolution being achieved immediately.

If the issue is more complex, the line manager/supervisor may need to investigate the complaint further with LET HR support (if not already involved in the process). This may involve in speaking to other people, examining paperwork/records etc. The line manager/supervisor should respond to the employee within five working days of the meeting being held but this can be extended by mutual agreement. The Manager/supervisor who has dealt with the complaint must ensure that the employee receives the letter (i.e. recorded delivery, by hand or via email) and a copy sent to the LET if not already involved.

For the avoidance of doubt or misunderstanding, the manager carrying out the investigation should ensure the terms of reference of the investigation are agreed with the complainant and confirmed in writing at the outset.

The response should be given face to face and include:

- A reasoned outcome
- If appropriate, details of any remedial action which may be taken and within what timescale
- The method by which the employee may invoke the formal procedure if not satisfied that resolution has been achieved informally.

A file note should be kept on the aggrieved employee's LET HR file detailing the nature of their grievance, their desired outcome, the reasoned outcome and any resultant actions taken.

Similarly if resolution has not been achieved, a statement, signed and dated by the employee, must be kept on file to evidence the fact that they have been made aware of how to invoke the formal stage of the Grievance Procedure.

## 8.2. Formal Process

In circumstances where an employee or group of employees do not feel that their grievance has been resolved satisfactorily at the informal stage, then the Stage 1 of the formal grievance procedure should be invoked. It is not appropriate to use this procedure to resolve issues between colleagues. Separate procedures exist for addressing concerns relating specifically to bullying, harassment and whistle blowing.

Confirmation of an employee's intention to invoke the formal grievance procedure at Stage 1 **must** be made by completion of a Grievance Notification Form (Appendix 1) and forwarded to the manager dealing with the complaint.

### 8.2.1 *Submission of Grievance*

In normal circumstances your grievance should be submitted to your line manager/supervisor.

If your grievance is about the actions or a decision of your line manager/supervisor, you should pass the pro-forma to the next in line Senior Manager/Director or your LET HR Officer.

The LET HR Officer should be kept informed at every stage of the grievance by the manager/supervisor dealing with the complaint.

## 8.3 Stages of the Formal Procedure

### 8.3.1 *Stage 1 (Manager/supervisor dealing with the issue meets the complainant)*

It will be appropriate to move to Stage 1 of the formal procedure in the following circumstances

- The informal stage has failed to produce an acceptable resolution. In these circumstances the employee **must** formally state their grievance and desired outcome, by completion of a Grievance Notification Form (Appendix 1). In normal circumstances this should be submitted within one calendar week of receiving the informal stage response.
- It is impractical to raise the matter informally. In such a case, the matter must be formally raised in writing with the manager dealing with the complaint by completion of a Grievance Notification Form (Appendix 1).

**All formal grievances must be acknowledged within one week (7 days) of receipt by the appropriate manager/supervisor.** The LET HR Officer should be informed by the manager/supervisor dealing with the complaint that a grievance has been lodged and invited to take part in any meetings.

Arrangements will be made for a meeting between the manager/supervisor dealing with the complaint, the member of staff and their companion to allow for the matter to be considered. This should happen without unreasonable delay, and wherever possible within 2 weeks of receipt of the complaint.

At the meeting, the member of staff should be allowed to explain the nature of their grievance and how they think it should be resolved. They can at this point provide any additional documentation that is relevant to their issue. Consideration may be given to adjourning the meeting if it is felt that additional investigation may be necessary.

The manager should acknowledge that the situation can be emotive or stressful and therefore conduct proceedings in a sensitive fashion. The meeting should be viewed as an opportunity for discussion and dialogue which may lead to amicable solution.



The manager should take the opportunity at this meeting to reinforce with the individual the expectation of organisation will be that as far as possible, it should remain 'business as usual' within the workplace, and all parties will be expected to continue to carry out their roles and responsibilities to the required standard.

In normal circumstances, a written response should be made by the manager to the individual within 5 working days of this meeting. In exceptional circumstances this deadline may be extended with the mutual agreement of the parties concerned, for example if further investigation is required. The letter should also set out what action, if any, is to be taken and contain information on how to appeal if the employee feels their concerns have not been satisfactorily resolved. The Manager who has dealt with the complaint must ensure that the employee received the letter (i.e. recorded delivery, by hand or via email).

### **8.3.2 Stage 2 (Appeals Panel)**

If the grievance remains unresolved at Stage 1 an appeal may be made in writing to the Head of Human Resources at the Lead Employer Trust setting out the grounds of appeal within 5 working days of receipt of formal notification of the outcome of stage 1. A formal written letter should be submitted enclosing the original Grievance Notification Form with correspondence from the previous completed stage. The manager who considered the issues at Stage 1 will prepare a statement of case setting out the rationale for the decision reached for consideration at the appeal.

Fully exchange of documents at a mutually agreeable time will be co-ordinated by the secretary to the appeal panel and should take place no later than 5 working days before the appeal hearing date.

In order to help achieve the projected timescales for completion, it is essential that the employee and the manager who took the original decision submit their appeal documents to the appeals secretary in a timely fashion. It is the responsibility of the employee and the manager to make appropriate arrangements for these documents to be collected in advance of the appeal date.

In normal circumstances, an appeal panel will be convened within 4 weeks of receipt of the appeal. The panel will consist of a Chair and a Director who have no prior involvement in the case, supported by a senior member of the HR department. The procedure for hearing an appeal is outlined at Appendix B. The decision of the organisations appeal panel will be final.

## **9. GENERAL POINTS**

### **9.1. Postponement of Hearings**

An employee should make every reasonable effort to attend the meeting/hearing. Where an employee fails to attend without good cause, the grievance will be regarded as withdrawn.

If an employee requests to postpone a hearing due to their trade union representative/companion not being able to attend on the proposed date, the employee can suggest another date so long as it is reasonable, and is not more than five working days after the date originally proposed by the manager. This five day time limit may be extended by mutual agreement.

A decision can be made without having a hearing if:

- the meeting has already been rearranged and the employee(s) fails to attend
- the employee is on long-term sick leave and unable to attend meetings (they can supply written information instead should they wish)

## **9.2. Conduct of Hearings**

It is essential during the course of a formal Grievance Hearing that the basic principles of natural justice apply i.e. the employee is given every opportunity to state his/her grievance and all parties involved in the grievance will be available for questioning.

## **9.3. Disruption of Work**

In accordance with current legislation and the spirit of this procedure, there shall be no disruption of work of any kind, either of a partial or a general nature, such as strike, lock-out, go-slow, work to rule, overtime ban or other restriction, **before** all stages of this procedure have been fully exhausted.

## **9.4 Time Limits**

It is the intention of the organisation that any grievances raised are resolved without unreasonable delay. It is therefore expected that the maximum period of time necessary for responding to the grievance will be five working days (one week) of the informal /Stage 1 meeting being held. This deadline can be extended by mutual agreement.

## **9.5 Overlapping Grievance and Disciplinary cases**

Where an employee raises a grievance during the disciplinary procedure the latter may be temporarily suspended in order to deal with the grievance. The grievance procedure would then be followed. If the grievance and disciplinary issues are related it may be appropriate to deal with both matters together.

## **9.6 Possible outcomes** Possible outcomes at any stage may include

- Upheld
- Not upheld
- Partially upheld

In the event of a grievance either being upheld or partially upheld, the outcome letter will include details of any remedial action to be taken, if appropriate, the Manager who heard the appeal must ensure that the employee received the letter (i.e. recorded delivery, by hand or via email).

## **10. ROLE OF HUMAN RESOURCES**

The role of the LET HR Department is to ensure that the procedure is adhered to and that a fair process is followed and to assist in ensuring the LET's commitment to resolving Grievances in-house as early in the procedure as possible is fulfilled. The LET and host training organisations will work together to ensure commitment to resolving Grievances. In instances where grievances are lodged against employees of Host Training Organisations, the LET HR Department will work alongside nominated HR representatives from the Host Training Organisation. LET employees lodging grievances in this manner will be kept informed of due process.

Managers should seek HR advice at all formal stages of the procedure.

## **11. EQUALITY AND DIVERSITY STATEMENT**

The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the LET will have due regard for the need to:

- Eliminate unlawful discrimination;
- Promote equality of opportunity;
- Provide for good relations between people of diverse groups.

For further information, please refer to CDDFT's Equality Diversity and Human Rights Policy.

## **12. MONITORING AND REVIEW**

The Head of Human Resources for the LET is responsible for monitoring the application of this policy and to ensure that the procedure is reviewed no later than three years from the date of issue. The Procedure may be amended at any time.

## **13. REFERENCES/ASSOCIATED LEGISLATION**

- ACAS Guide to Handling Discipline and Grievance at Work (March 2015)
- ACAS Code of Practice 1: Disciplinary and Grievance Procedures (March 2015)

**APPENDIX A - FORMAL PROCESS - GRIEVANCE NOTIFICATION FORM**

**Part 1**

Name of individual(s) raising grievance: \_\_\_\_\_

\_\_\_\_\_  
(If a collective grievance the names of all parties to the grievance should be listed and the nominated spokesperson identified)

Contact details: \_\_\_\_\_

Job Title: \_\_\_\_\_

Training Programme: -----

Work Base: \_\_\_\_\_

**Part 2**

**DETAILED STATEMENT OF GRIEVANCE (please continue on a separate sheet if necessary)**

Please include suggestions for the resolution of your grievance.

What is your grievance:-

Process Issue  
Application of Policy issue

Other

Please give factual details (if you have any additional documentation please provide with this pro forma)

Please set out the actions that have been taken to resolve this issue informally

Desired outcome, please include suggestions for resolution etc.:

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date \_\_\_\_\_  
(Complainant)

\*\* If a joint grievance, signatures of all parties are required.

If your grievance is about the actions or a decision of your line manager, you should pass the pro-forma to the next in line Senior Manager/Director or your HR Officer.

## **APPENDIX B – PROCEDURE FOR HANDLING A GRIEVANCE APPEAL HEARING**

### **APPEAL HEARING PROCEDURE**

The Chair will:

- Make the necessary introductions.
- Explain that if they require a break at any point during the meeting then they are entitled to do so.
- Explain the format of the meeting (below).

#### **Management Representatives**

Management representatives should comprise:

- The manager who took the decision regarding the outcome of stage 1.
- The HR representative who advised management at stage 1.

#### **Aggrieved Party**

The aggrieved party should comprise:

- The employee
- The employee's companion (if desired)

The organisation will also make arrangements for someone not involved in the facts of the matter to attend to take a note of proceedings.

### **Conduct of the Appeal**

- The chair should ensure that all parties are clear as to the purpose and nature of the hearing.
- Full exchange of all documentation to be considered in the appeal (including statements of case, if supplied) should take place no later than 5 working days before the date of the appeal hearing. This is to ensure both sides have the opportunity to fully review the cases being presented and prepare a response.
- The employee and their companion should present their case first. The presentation should be factual and avoid the use of language that may be viewed as inflammatory or abusive. The employee may opt for their companion to present the case on their behalf, but this does not preclude panel members from addressing the employee directly.
- The companion does not have the right to answer questions on behalf of the employee or prevent the employee from stating their case.
- The management case should be presented, normally by the manager (with the HR representative present to provide guidance as necessary). Both parties have the right to question each other and any other attendees as appropriate.
- At any time either party may request a brief adjournment of proceedings, with the agreement of the chair.

- When both parties have presented their case, each should be given the opportunity to summarise their main points. The aggrieved party should summarise first, followed by management. It is unlikely that new issues or evidence will be introduced at this point, but if this is the case then the other party should be given the opportunity to respond.
- On completion of the summaries, each party should withdraw to allow the panel to consider its decision. The panel must consider whether the grounds for appeal have been upheld, either fully or in part.
- Care must be taken to ensure that records used in the course of the proceedings are of good quality to support any conclusion drawn from them.
- After careful consideration of all the facts, the final decision is made by the panel. Both parties should then be recalled and informed of the decision.
- As soon as possible following the hearing, the decision and reasons for it should be put in writing to the employee. This will normally take place within 5 working days.

### **Outcome of the Appeal hearing**

The following are examples of possible outcomes of a grievance appeal hearing (this list is not exhaustive):

- No change to the outcome of the stage 1 decision.
- Grounds for appeal upheld, either totally or fully.
- Alternative or additional remedial actions imposed.

### **Record Keeping**

In all cases, a formal record of the proceedings should be kept detailing

- The nature of the grievance,
- What was decided and what actions were taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments.

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

**Division/Department**

LET HR Department

**Title of policy, procedure, function or service**

Grievance Procedure

**Type of policy, procedure, function or service**

- Existing
- New/proposed
- Changed



**Q1 - What is the aim of your policy, procedure, project or service?**

To provide a framework for settling differences between all employees and their colleagues, and/or management of the Trust as rapidly as possible to the mutual satisfaction of employees and the Trust.

**Q2 - Who is the policy, procedure, project or service going to benefit?**

All LET employees, host training trusts, Health Education England North East and other LET Stakeholders.

Group	Yes	No	Unclear
Age		X	
Disability		X	
Race		X	

Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity		X	
Relationships between groups		X	
Other socially excluded groups		X	

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

**Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?**

Group	Yes	No	Unclear
Age	X		
Disability	X		
Race	X		
Gender	X		
Transgender	X		
Sexual Orientation	X		
Religion or belief	X		
Marriage & Civil Partnership	X		
Pregnancy & Maternity	X		
Relationships between groups	X		
Other socially excluded groups	X		

**Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?**

Group	Yes No Impact	Yes Impact	No	Unclear
Age			X	
Disability			X	
Race			X	
Gender			X	
Transgender			X	
Sexual Orientation			X	
Religion or belief			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity			X	
Relationships between groups			X	
Other socially excluded groups			X	



**Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?**

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

**Q7 – How have you come to this decision?**

No indication that equality groups have been adversely affected by this procedure.

**Q8 – What is your priority for doing the full EIA?**

High	Medium	Low
		X

**Q9 – Who was involved in the EIA?**

HR Department, Lead Employer Trust.

**This EIA has been approved by: Head of People Services, Lead Employer Trust**

**Date:** 6.2.24 **Contact number:**

0191 275 4769

**Please ensure that this assessment is attached to the policy document to which it relates.**

