with you, for you

NHS
Gloucestershire Health and Care
NHS Foundation Trust

Resolution Process Employee Guide

Introduction

Grievances are work-related concerns, problems or complaints raised by staff. They may be problems or concerns about:

- an employee's work, working conditions or relationships with colleagues
- an action that has already been taken in relation to them
- an action which is being considered in relation to them
- the actions of colleagues.

The purpose of the grievance process is for the employee and their manager to work together to find a resolution to the concerns raised.

The process for raising a grievance is set out in the Resolution policy. We understand that sometimes you may need some more information to help you understand the policy and process. Therefore this guide has been produced to help you as an employee by providing information about:

- the different ways you can raise a concern
- the types of concerns that can be raised using the Resolution policy
- what consider when submitting a formal grievance
- the formal grievance process
- some of the support mechanisms you can access as an employee.

You should read it alongside reading the Resolution Policy. There is also an action card which explains all the stages of the process in flowcharts. You can find the action card and all the forms associated with the process on the intranet.

Understanding what can be raised as a grievance

Examples of areas of concern that could be addressed by raising a grievance include:

- issues relating to locally agreed terms and conditions of employment
- health and safety concerns
- local working practices
- local working environment
- work duties

There are some concerns that cannot be addressed using the resolution process. These include:

- the outcome of disciplinary hearings or other processes that have their own appeal process
- nationally agreed terms and conditions, for example those in line with the Agenda for Change Handbook
- issues relating to bullying and harassment – these should be addressed in line with GHC's Respect and Dignity at Work Policy
- issues that are more appropriate to raise using the Freedom to Speak Up Policy, for example if you have a concern that there is a risk, malpractice or wrongdoing harming the service we deliver (what you might understand to be whistleblowing).

There are a range of options for you to seek advice or raise concerns in a different way, or occasionally to a raise concern anonymously where this is more appropriate, before raising the matter with your manager as a grievance. These include:

- Freedom to Speak Up Guardian and Advocates – who are an independent and impartial source of advice and can be contacted by all employees at any stage of raising a concern
- Vivup – this is GHC's Employee Assistance Programme provider
- Direct to Douglas – this is a confidential way to tell our Chief Executive about issues you think he should be aware of or ask for a response to something you are concerned about
- Gloucestershire Local Counter Fraud Service – who are a team that can investigation allegations of fraud against the NHS by NHS employees, contractors, suppliers or members of the public.

You can find more information about all of these and how to contact or access them on the intranet.

Understanding the stages of the process

There are three stages of the grievance process:

- informal
- formal
- appeal

If you have a problem at work you should raise the matter informally with your immediate manager in the first instance. If, following the informal stage, you believe the matter has not been resolved you can raise a formal grievance.

Preparing your grievance

When raising a grievance either informally or formally you should:

- outline your concerns clearly
- provide as much information as possible
- explain the nature of the problem
- give dates and times of any specific incidents or examples – you may find it helpful to think about it as timeline of events that led to this point
- provide any evidence you have to support your grievance
- provide the names of any witnesses
- outline any action you have already taken to try to address the matter
- set out any resolutions you can think of or would like to see – this is important as the focus of the grievance process is about trying to resolve the matter

It can be helpful if you:

- are as open about the concerns and the impact they may be having on you
- acknowledge other people may have different perceptions or memories to yours, even if you do not agree with them – this does not mean your grievance is not valid but it could for example mean you misinterpret error for malice or someone having an agenda.

The initial grievance meeting

After receiving your Notification of Grievance form the resolution manager – which could be your manager or another appropriate manager – should arrange an initial grievance meeting. The purpose of the meeting is to:

- enable the manager to explore your grievance with you to ensure they clearly understand the issues you are raising and the resolutions you are seeking
- give you the opportunity to explain your grievance and provide any additional information relating to it
- allow the manager to explain what further information they may need to seek before they can reach any conclusions and the timescales they intend to work to.

You will not be given an outcome to your grievance at this meeting.

The grievance outcome

When the resolution manager has completed their information gathering and reached their conclusions they will inform you of the outcome. They should ask you if you would like to have an outcome meeting first before confirming the outcome in writing or if you would prefer to only receive a written outcome.

If an outcome meeting takes place the resolution manager should:

- outline the steps they have taken to consider your grievance
- go through their findings and any resolutions and / or actions identified
- explain if they will talk to anyone else about any of the resolutions and/or actions to be taken.

The outcome could be:

- all elements of your grievance are upheld
- some elements of your grievance are upheld and others are not – overall this would mean your grievance was partially upheld
- none of the elements of your grievance are upheld.

In terms of any resolutions or actions identified, it is important to be aware that if they relate to actions involving other staff it may not be possible for the resolution manager to share the details with you. This is because they are confidential in relation to the other person.

You may have the opportunity to ask questions at the meeting, but the meeting is not an opportunity for you to debate or challenge the decisions the resolution manager reached.

Right to appeal

After the formal stage if you remain dissatisfied you have the right to appeal if you have grounds (reasons) to believe:

- the procedure was not been followed correctly
- the decision reached was not fair, reasonable and/or consistent with similar decisions within GHC
- the decision was not appropriate in light of the evidence presented.

To appeal you must:

- submit your appeal within seven calendar dates of being informed of the formal grievance outcome
- submit your appeal in writing, in line with the details included in the outcome letter.

Support at meetings
You can be accompanied to formal meetings by a trade union representative or a work colleague who is a GHC employee. If you wish to be accompanied by a colleague it is important they are not associated with your grievance at all. It is your responsibility to arrange to be supported and to inform your representative / colleague of the date, time and location of any meetings.

You do not have any right to be accompanied to informal meetings.

Sources of support
Raising a grievance can feel challenging and it is important you seek support if you need it. There are a number of support services available to staff should you wish to access any them at any time, these include:

- your trade union
- the Trust's occupational health service Working Well (0300 421 4455 and workingwell@ghc.nhs.uk)
- counselling sessions available through Working Well – you can refer yourself for counselling, you do not need your manager to refer you
- the Employee Assistance Programme via VIVUP which offers trained counsellors (www.vivupbenefits.co.uk and 03303 800658)
- the Spiritual Care and Chaplaincy Team who are able to provide support irrespective of religious beliefs (0300 421 4787 and spiritualcare@ghc.nhs.uk)
- the Wellbeing Line which provides rapid mental health and psychological wellbeing assessments as well as signposting to appropriate services (www.thewellbeingline.co.uk, hello@thewellbeingline.co.uk and 0300 241 7500)
- Gloucestershire NHS Talking Therapies (0800 073 2200)