



Fair Treatment & Grievance Policy

Version Control

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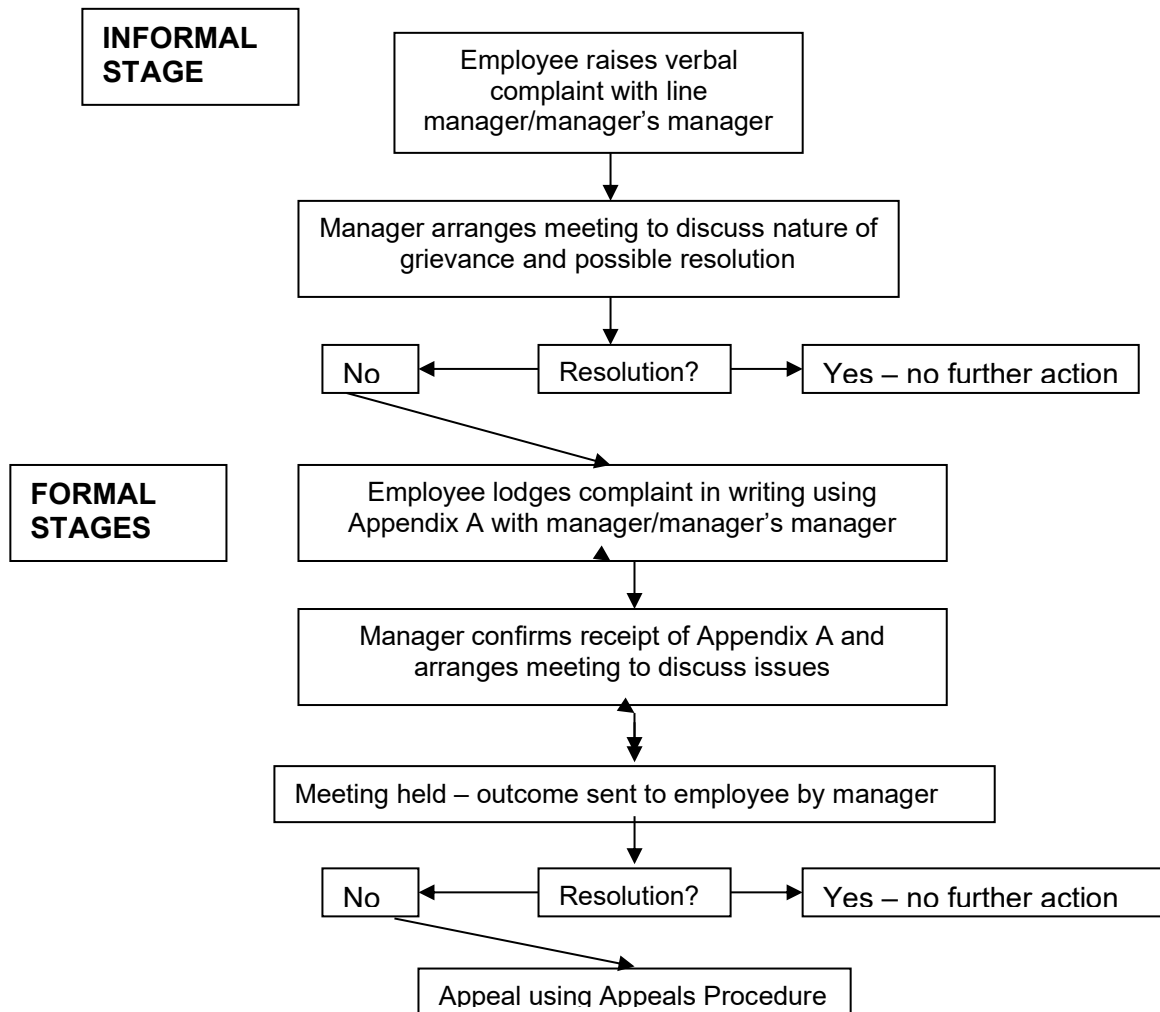
QUICK REFERENCE GUIDE

This Policy is designed to assist and support both employees and managers where an employee wishes to make a formal complaint about an action PH or their manager has taken or is intending to take in relation to that employee.

For quick reference the guide below is a summary of actions required. This does not negate the need for the document author and others involved in the process to be aware of and follow the detail of this policy.

1. Wherever possible, should an individual employee have a complaint or concern affecting their employment, every attempt should be made to resolve these informally.
2. Where an informal resolution is not possible, the formal stage of the procedure should be used. The employee must complete the Grievance Form at Appendix A of the policy and send this to their line manager or manager’s manager. A meeting will then be held with the employee to discuss the grievance and possible outcomes. An investigation may be necessary at this stage to ascertain the full facts.
3. Should the grievance not be resolved at the first formal stage, the employee may appeal. All appropriate papers, including the Grievance Form must be sent to HR Services. Any appeal will be held in accordance with the PH’s Appeals Procedure.

4. FLOW CHART SHOWING PROCESS



1. INTRODUCTION

- 1.1 Pioneer Healthcare Limited (“PH”) recognises that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect PH’s policy is to encourage regular communications between employees and their managers to ensure that issues and problems arising during the course of their employment can be aired, dealt with fairly, and, where possible, resolved quickly, at the lowest possible level. In order to achieve this, managers should always be approachable and willing to find the time to listen and discuss staff concerns.
- 1.2 This policy and the procedure contained within it are designed to comply with best practice, the [ACAS Code of Practice](#) and current legislation, including the [Employment Act 2008](#).
- 1.3 This policy has been written in the spirit of the [NHS Constitution](#).

2. PURPOSE

- 2.1 This policy provides a framework within which an employee may bring a grievance arising from their employment and is aimed at resolving that grievance. It is designed to ensure that grievances are treated objectively, sensitively, consistently and fairly, and that an effective conclusion will be reached in a timely manner.

3. SCOPE

- 3.1 This policy covers all employees of PH, including Medical & Dental Staff, regardless of role, location or contractual status.
- 3.2 A grievance is defined as a complaint by an employee about an action which PH or their manager has taken, or is contemplating taking, in relation to them. A formal concern or grievance must be made in writing.
- 3.3 This policy should therefore be used when an employee wishes to complain about an individual issue, which is connected with their employment with PH, which they believe is unfair, inappropriate or breaches their contract.
- 3.4 Examples of issues that may give rise to a grievance are:
 - Terms and conditions;
 - Health and safety;
 - New working practices;
 - Organisational change;
 - Equal opportunities.
- 3.5 The policy should not be used to deal with the following:
 - Issues arising from any procedure which has it’s own right of appeal or review e.g. capability, flexible working, job grading, organisational change, as these already afford employees similar rights to this procedure.
 - Issues resulting from disciplinary action.
 - Disciplinary sanctions imposed against other employees.

- 3.6 All issues concerning complaints of bullying and/or harassment should initially be raised using PH's Dignity at Work Policy. If, after following the procedures within that policy, the complaint has not been resolved, the formal stages of this policy should be used.
- 3.7 It is important to note that the policy must not be used to raise frivolous issues or to raise concerns in a vexatious or malicious manner. Inappropriate use of the procedure may result in disciplinary action being taken.
- 3.8 When handling concerns raised by employees, the following guiding principles will always apply:
- **Partnership approach with joint responsibility for resolution** – employees will be treated as equal partners in the resolution of concerns. This will mean working together constructively and positively to identify solutions and to resolve problems.
 - **Openness, transparency and confidentiality** – if the complaint raised is about another employee of PH, that individual will be given the opportunity to understand the context of the complaint made against them and to respond. All complaints and concerns raised will be handled in confidence.
 - **Fairness and equity** – any one raising a concern or complaint will be treated fairly and equitably. Individuals should feel free to raise valid complaints and should be reassured that they will not be victimised for bringing a complaint or acting as a witness for another complainant.
 - **Resolution of issues as informally as possible** – it is in the interests of both PH and the employee that any concern or complaint raised is resolved at the earliest opportunity, using the informal process wherever possible.
 - **Timely resolution** – where a concern or complaint has been raised, these will be dealt with in a timely manner.
 - **Organisational Learning** – PH will continually seek to learn and improve from any concerns or complaints raised.
- 3.8 Where a grievance is brought by an employee, this will not normally stop any changes from being made; however if the grievance is about a fundamental change to pay and/or the terms and conditions of the contract of employment, the status quo may apply.

In the event of an infection outbreak, flu pandemic or major incident, PH recognises that it may not be possible to adhere to all aspects of this document. In such circumstances, employees should take advice from their manager and all possible action must be taken to maintain ongoing patient and staff safety.

4. DEFINITIONS

- 4.1 Grievance – a concern, problem or complaint that an employee raises with their employer.
- 4.2 Frivolous – a complaint that has neither sense nor seriousness.
- 4.3 Vexatious – a complaint raised without merit that is purely raised to cause annoyance to the individual being complained about or to cause annoyance in the organisation.
- 4.4 Malicious – a complaint raised purely to cause harm to another person; vicious in motivation or purpose.

5. DUTIES AND RESPONSIBILITIES

5.1. Individual Employees

- 5.1.1 Employees are responsible for conducting themselves in a professional manner at all times to patients, relatives and colleagues.

- 5.1.2 If an employee raises a concern or complaint, they are expected to contribute to the resolution in a proactive way.
- 5.1.3 If an investigation is required either in relation to a concern raised by them or by a colleague, employees will be required to participate as fully as required in a timely and constructive manner. The purpose of an investigation is to fully establish the facts as quickly as possible. Without full contribution by all required parties, the findings will be incomplete, which may result in inaccurate conclusions being reached.
- 5.1.4 Employees must not use this policy to raise frivolous issues or to raise concerns in a vexatious or malicious manner. Where a complaint is found to be frivolous, vexatious or malicious, this will result in disciplinary action being taken in accordance with Disciplinary procedures.
- 5.1.5 If an employee wishes to be accompanied or represented by a staff or trade union representative, or work companion, at any formal meeting, it is their responsibility to arrange this.

5.2. Managers

- 5.2.1 Managers are responsible for ensuring that any concern raised with them is taken seriously and is dealt with in a fair, timely, supportive and constructive manner.
- 5.2.2 Should a manager appoint an investigating officer, they must ensure that they are given the appropriate time to undertake and complete a thorough investigation in a prompt and timely manner.
- 5.2.3 Managers have a responsibility for ensuring that any concerns raised are resolved as quickly as possible, and particularly where there has been an investigation.
- 5.2.4 Managers are jointly responsible for seeking resolution in a timely and constructive way and for ensuring the actions on any agreed action plan are carried out.

5.3 Elected Staff and Trade Union Representatives, and Work Companions

- 5.3.1 The role of the elected staff and trade union representative or work companion is to act as an advocate for the employee raising a concern. They will only do this if they are invited to do so.
- 5.3.2 Elected staff and trade union representatives or work companions may accompany and represent employees at any formal meetings under this policy. In exceptional circumstances and by prior agreement with the manager, they may accompany employees at informal meetings.
- 5.3.3 Elected staff and trade union representatives or work companions are responsible for assisting with seeking resolutions in a timely and constructive way.

5.4 The Investigating Officer

- 5.4.1 The purpose of the investigation is to establish the facts and gather evidence as fully and as quickly as possible. The investigating officer is responsible for establishing contact with the employee raising the concern and for keeping them updated on the progress of the investigation.
- 5.4.2 The investigating officer is responsible for preparing a report and submitting it to the commissioning manager.

5.4.3 Depending upon the findings of the investigation, the investigating officer may be required to attend any formal meetings under the procedure outlined in this policy.

5.5 Human Resources

5.5.1 A HR representative will be responsible for advising all parties on this policy and for providing specific management and staff guidance.

5.5.2 It is important that learning from concerns and complaints raised takes place across PH. A member of the HR team will write up the learning of the case review in the form of case studies and this will help to inform the training of managers in the handling of concerns and complaints. Reference to individuals or easily identifiable situations will be anonymised.

6. PROCESS

6.1 **Time Limits** - to assist with the speedy resolution of grievances, time limits are identified at each stage of the procedure. Wherever possible, every effort will be made to comply with these time limits. However, there may be circumstances where it is not possible to comply with them, in which case all reasonably practicable steps will be taken to ensure that the relevant stage is completed as soon as possible after the expiry of the appropriate time limit. Where this happens, the manager must advise the employee raising the complaint or concern and advise them of the likely completion date. Completion of each stage of the procedure must be taken without unreasonable delay on the part of either party. Time limits may, however, be extended, for example to take annual leave into account.

6.2 **Right of Representation** - at all formal stages of the procedure employees have the right to be accompanied by either a Trade Union or staff side representative or work colleague. It is the employee's responsibility to arrange for the representative or work colleague to attend with them.

6.3 **Record Keeping** - full and accurate written records will be kept during both the informal and formal stages of this policy. This will include:

- The nature of the concern or complaint raised;
- A copy of the written grievance;
- The manager's response;
- Any agreed action plan and action taken;
- Reasons for the action taken;
- Any matters relating to an appeal;
- Subsequent developments.

6.4 Grievance Procedure – Informal Stage – Stage 1

6.4.1 Should an employee wish to raise a complaint or matter of concern, they should do so verbally to their immediate line manager at the earliest opportunity. When raising the matter, the employee should make it clear that their intention is to initiate this procedure.

6.4.2 Should an individual feel unable to discuss the matter with their line manager, or if the complaint relates to their line manager, then the individual should raise the concern or complaint with the next-in-line manager.

6.4.3 It is in the best interests of all concerned that grievances be resolved at the informal stage wherever possible. The line manager (or next-in-line manager where appropriate) should arrange to meet with

the individual as soon as possible after the concern is raised with them, to explain the nature of their grievance and discuss how best it can be addressed.

- 6.4.4 The manager should make a written record of the main points and outcome of the informal stage, as well as any associated action plan. A copy of this documentation should be given to the individual.
- 6.4.5 On occasion it may also be necessary for the manager to meet with other relevant people and/or conduct an investigation to ascertain all the relevant facts. Where an investigation is necessary, the manager should arrange to meet with the individual at the conclusion, to discuss the findings and explore options available, with a view to resolving the issue. An action plan may be agreed. Further meetings may be required to ensure the agreed actions have been completed.
- 6.4.6 Until all possible avenues of resolution have been extensively explored by informal discussion at this level, the formal stages of the procedure should not be invoked. Matters should only proceed to the formal procedure as a last resort with every effort being made to resolve the issue at the informal stage.

6.5 Formal Stage – Stage 2

- 6.5.1 Where it has not been possible to resolve an issue at the informal stage (Stage 1), the matter should be referred to stage 2 of the process .
- 6.5.2 An employee wishing to lodge a grievance at this level should complete the Grievance Form at **Appendix A**. This should be sent to their line manager, usually within 2 weeks of the completion of the informal stage. Once again, should an individual feel unable to discuss the matter with their line manager, or if the complaint relates to their line manager, then the individual should send the form to the next-in-line manager.
- 6.5.3 It is recognised that setting out a grievance in writing is not easy. Assistance may be sought from a work colleague, a trade union or staff elected representative if required.
- 6.5.4 The manager should provide written confirmation of receipt of the Grievance Form to the individual, within 1 week of receipt. The manager should then make arrangements to hold a meeting with the individual, their representative and any other relevant individuals within a further week. A representative from the Human Resources department will also be present at the meeting. The arrangements for this meeting will be confirmed in writing. The purpose of this meeting is to:
 - Confirm that a grievance has been received;
 - Discuss the issues relating to the grievance;
 - Confirm the steps to be taken in order to resolve the grievance, which may involve conducting a further investigation into the issues raised;
 - Where possible, provide an outcome to the grievance.
- 6.5.5 Where an outcome is provided at the meeting, the rationale for the decision should be confirmed to the employee in writing within 5 working days of the meeting. The right of appeal will also be notified in the letter. If the manager is not able to respond within this time-scale, the employee will be given an explanation for the delay and told when a response can be expected.
- 6.5.6 Where a decision is deferred, pending further investigation, the manager will write to the employee, indicating a time-scale in which the investigation will be completed. The time-scale will depend upon the nature and complexity of the investigation required, but should normally aim to be completed within 4 weeks from commencement. If the investigation time-scale needs to be extended, this should be notified to the employee in writing.

6.5.7 A further meeting to confirm the outcome of the investigation and to give a final decision regarding the issues raised will be arranged, following which the outcome will be confirmed in writing to the individual within 5 working days of the meeting. The right of appeal against the decision will also be notified in that letter. Again, if the manager is not able to respond within this time scale, the employee will be given an explanation for the delay and told when a response can be expected.

6.5.8 If the employee is dissatisfied with the manager's decision they should appeal to the next stage of the procedure.

6.6 Appeal

6.6.1 Should the grievance not have been resolved at stage 2, the employee should appeal in writing by sending the amended Grievance Form, letters and papers from the stage 2 hearing to the Head of HR Services, in accordance with the process and timescales under PH's Appeals Procedure.

6.7 Investigation

6.7.1 There may be some circumstances where concerns or complaints are raised by employees where the full facts are not available or known to the manager making the decision. In such circumstances, the manager will commission an investigating officer to gather evidence and determine the facts. This will involve meeting with the employee who raised the concern, to establish the facts from their perspective. They will also arrange to meet other parties as they deem appropriate.

6.7.2 The investigating officer will report their findings to the commissioning manager as quickly as possible, and in accordance with section 2 above. Informed by these findings, the manager will decide upon an appropriate course of action and arrange to meet with the employee to discuss their decision.

6.7.3 A summary of the main points of the investigation will be shared with the employee in writing.

6.7.4 Where the grievance concerns alleged bullying and/or harassment, the alleged harasser/bully will also be interviewed to establish their perspective. They will also be advised of the outcome of the investigation. Throughout the investigation, support will be available not only for the employee who raised the concern, but also for the alleged harasser/bully.

6.8 Learning and Development

6.8.1 Appropriate training will be provided to all PH managers in the application of this policy and particularly in the principles to be adopted.

6.8.2 Where concerns and complaints are raised, or a problem is identified because of a weakness in PH's systems or processes, it is important that key learning points are captured and acted upon. This will take place at a number of different levels: individual, departmental, divisional and PH-wide.

6.8.3 Guidelines for managers and staff will be continually improved in the light of operational practice and experience.

7. TRAINING REQUIREMENTS

- 7.1 Managers will be briefed on the content of this policy and will be able to seek guidance and assistance on its implementation from the HR team.

8. REFERENCES AND ASSOCIATED DOCUMENTATION

ACAS Code of Practice: [Disciplinary and Grievance Procedures](#)

ACAS guide: [Discipline and Grievances at Work](#)

[Employment Act 2008](#)

Leadership and the Management of Conflict at Work: CIPD, October 2008
<http://www.cipd.co.uk/subjects/empreltns/general/ldrcnfltwk.htm>

9. POLICY REVIEW

- 9.1 The policy will be reviewed every four years.

- 9.2 The effectiveness of grievance handling within PH will form part of the system of performance management and form part of the regular Board report. This will cascade through Departments, and to individuals in their personal objectives and development plans. Any action plans drawn up as part of these will be monitored on a quarterly basis by the HR Team in conjunction with department managers.

APPENDIX A GRIEVANCE FORM

The first page of this form should be completed by the employee submitting the grievance. Assistance should be obtained where necessary from a Trade Union or staff side representative or work colleague. The form should then be given to the line manager or other appropriate manager, with a copy being retained by the individual concerned.

Surname:	First name:
Job Title:	
Department:	Base:
Name of nominated representative – if appropriate:	
Address:	

<u>Nature of Grievance</u>
Background to the case (the issue and the people involved).
The essential elements of the grievance (with supporting documents as appropriate).
Steps taken to resolve the grievance to date.

What is the outcome or result sought as a result of bringing the grievance?

Signature	Date submitted
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Stage 1 – Action taken/resolution agreed

Signed	Date
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Stage 2 – Action taken/resolution agreed

Signed	Date
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APPENDIX B

Letter from Manager confirming receipt of grievance

Once a formal grievance form has been received by a manager, the following letter should be sent to confirm receipt.

Dear

I am writing to confirm that your formal grievance form was received on.....[INSERT DATE].

Stage 2 (formal stage) of PH's Fair Treatment and Grievance Policy will now be implemented and I will make arrangements to meet with you shortly in accordance with the policy.

Yours sincerely