

Grievance Policy & Procedure

(Incorporating Collective and Individual Grievances)

Policy Owner	People Partner
Corporate Lead	Director of People
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Executive summary

This Policy sets out the Grievance Policy and Procedure (the Policy) for Leeds Community Healthcare - LCH (the Trust).

This Policy applies to all employees of LCH including Medical and Dental staff.

This Policy does not apply to “workers” such as staff employed on an honorary contract or through an agency for which the responsibility rests with the individual’s statutory employer. LCH Bank workers are required to raise their concerns directly with the Bank team, the service or HR for an informal resolution or formal escalation if required.

The Policy has been drafted to comply with statutory requirements, professional codes of conduct and the following ACAS Code and guidance. This Policy should be read together with other relevant Trust policies, procedures, and local guidance.

This Policy has been developed in consultation with Staffside and management representatives, and other key stakeholders.

The Policy may be reviewed at the request of management or Staffside by giving four weeks’ written notice to the Director of Workforce with reasons for the review.

Equality Analysis

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims, Equality Analysis has been undertaken on this policy and any outcomes have been considered in the development of this policy.

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1. Introduction

This document sets out Leeds Community Healthcare NHS Trust's (LCH) process for dealing with individual and collective grievances. It is drafted to comply with current statutory requirements and ACAS guidance. It applies to all Trust employees and is intended to provide a fair and transparent means of dealing with grievances.

This policy and the supporting procedure aim to provide the machinery for resolving grievance issues quickly, fairly, and wherever practicable, at the level at which they arise.

2. Definition

As defined in the ACAS Code of Practice (2009) grievances are concerns, problems, or complaints that employees raise with their employers. Examples of these are:

- Terms and conditions of employment
- Health and Safety
- New working practices
- Organisational changes

These are examples and not an exhaustive list.

3. Aims & Objectives

The Trust's aim is to resolve grievances as close to their source as possible recognising that early resolution such as informal discussions are more likely to provide a long-term solution.

The Trust fully recognises the right of employees to raise a formal grievance in respect of such issues if those issues cannot be resolved informally.

It is the Trust's intention that employees should feel encouraged to bring legitimate grievances to the attention of management. However, if through investigation, the allegations are found to be deliberately malicious or vexatious, disciplinary action may be instigated.

Issues not covered under this policy.

There will be occasions where the Trust cannot apply this policy such as:

- The implementation of national agreements, except in cases of dispute with how

this is individually applied.

- Disputes between colleagues which should be raised with the appropriate manager in the first instance.
- Conduct and disciplinary matters which should be addressed through the Disciplinary Policy and Procedure.
- Challenging the outcome of a formal Disciplinary decision which should be addressed through the Appeals Policy and Procedure.
- Performance and Capability Matters which should be managed under Managing Concerns with Performance Policy.
- Sickness Absence Issues which should be managed under Wellbeing at Work Policy.
- Complaints of harassment or bullying which should be dealt with under the Bullying and Harassment policy.
- Other issues which may be covered under the Freedom to Speak Up Policy (Formerly Whistleblowing Policy).

4. Responsibilities

4.1 Joint Responsibility

Good working relations are vital for the Trust to operate successfully and provide its essential services. Management, Staffside representatives and employees accept the responsibility of working together with the shared intention of facilitating good working relations.

- Senior Managers and Staffside representatives will work in partnership to ensure consistency and fairness in the way the policy is applied to employees, addressing areas of ineffective practice as appropriate.
- All employees, locums and contractors have a responsibility to challenge inappropriate behaviour positively and constructively, reporting any unresolved concerns to their line manager.
- All Employees have a responsibility to cooperate with investigations and any required procedure.
- All Employees employed by Leeds Community Healthcare NHS Trust must work in accordance with the Leeds Safeguarding Multi-Agency Policies and Procedures and

local guidelines in relation to any safeguarding concerns they have for service users and the public with whom they are in contact.

- All Employees have a responsibility to read and comply with the requirements of the Policy and set procedures.

4.2 Management Responsibility

Managers will:

- Respond to all grievances promptly, objectively, and sensitively; acknowledging grievances ideally within 5 working days where possible.
- Consider grievances with an open mind at both the informal and formal stages.
- Read and comply with the requirements of this Policy and undertake any associated training/briefing guidance as required.
- Resolve grievances where possible at the informal stage.
- Demonstrate what informal measures have been considered to resolve the grievance before the formal stage is initiated.
- Will ensure appropriate documentation is completed at each stage of the process and stored in line with agreed data protection and personal records guidance.
- Inform and liaise with their HR representative in consideration of a grievance or dispute and raise any queries about the required procedure.
- The manager who receives the grievance has the responsibility to ensure a resolution is reached with recommended actions concluded or that the case is escalated to another named senior manager.
- Respective line managers will provide relevant wellbeing support for both the employee raising the grievance and the employee whom the grievance is raised against. Where the grievance is against the line manager the senior manager or a nominated manager by the service will provide support.

Where possible, LCH expects the use of informal discussions as the first phase in grievance resolution. This provides an opportunity for issues to be resolved without recourse to the formal procedure. [Trade Union representatives or freedom to Speak Up representative](#) can be contacted if required, to help facilitate informal conversations. All parties will be required to maintain confidentiality at all stages of the resolution process including informal stage.

The informal procedure should be progressed in a timely manner without unreasonable delay to facilitate successful resolution.

4.3 Employee Responsibility

Employees will:

- Read and comply with the requirements of this Policy and undertake any associated training/briefing guidance as required.
- Where they are a member of a trade union member seek advice from the union to discuss their grievance.
- Arrange representation at any subsequent formal meetings with either a Trade Union representative or a colleague and provide relevant documentation.
- Raise their concerns promptly, preferably within 3 months of the incident causing the grievance where possible.
- Raise a grievance informally with their immediate line manager or another manager, if the line manager is not the most appropriate person to approach, in the first instance, making it clear that they wish to raise a grievance under this procedure.
- Complete the grievance form with their line manager or another manager as appropriate at the end of the informal stage.

N.B. where the grievance is collective, please refer to Appendix 1 for the grievance form.

4.4 Workforce Department Responsibility

Workforce Department will:

- Work in partnership with managers, staff and staffside representatives to ensure employees are treated fairly and consistently within the framework of the policy.
- Encourage resolution at the earliest opportunity.

4.5 Trade Union/ Staffside Responsibility

Trade Unions/ Staffside will:

- Provide advice and support to their members in individual and collective grievance as appropriate.

- Contribute to the development of the Trust's employment policies and practices.
- Seek prompt and effective resolution on behalf of their members.

5. Right to Escalate

If an employee expresses a preference to their manager for their grievance to be managed formally, the Trust will support this request if it is appropriate to do so, following a conversation with HR and the manager, by moving the grievance process to the next stage. Alternatively, if the informal outcome has not been satisfactory the employee has the right to request that HR escalates to a formal stage. This is also the next stage of the grievance process.

6. Right to be Accompanied

An employee has the statutory right to request to be accompanied by a supporter in any formal grievance hearing, interview or investigation meetings. The supporter may be a work colleague not acting in a legal capacity, an accredited Trade Union - TU representative or an official employed by the employee's Trade Union.

Nothing in this policy will affect the right to any reasonable adjustments needed to help the employee or their supporter, for example, foreign language interpretation where either the employee or the supporter has difficulty understanding or communicating in English. This may be in addition to a trade union representative or official.

Any request to be accompanied must be reasonable. The employee should let the workforce department know if they are being supported by a colleague or represented by a trade union or professional body representative as soon as is practicable if a hearing is to take place, as well as the name of the supporter.

The employee is responsible for involving their TU representative or colleague initially and ensuring that dates of hearings are passed on to them. Once they are identified, they should normally be included in all correspondence with the employee, either in hard copy or electronically.

It is the responsibility of the employee to ensure that any case materials are prepared, sent, and received within the timescales contained in the policy. Making such arrangements should not cause undue delay to the process as it is in everyone's interests to proceed promptly.

If the TU Representative or colleague is unavailable at the date and time of the hearing, they along with the employee should suggest an alternative date or time provided:

- a) the reason they are unavailable is reasonable.
- b) all panel members are available on the proposed date/time. This should usually be within 7 working days of the original date, although in exceptional circumstances

this may be extended by mutual agreement.

The role of the TU Representative or colleague in any hearing is to assist and support the employee. They are allowed to present the employee's case, sum up the employee's case, and respond to any view expressed on the employee's behalf. They should also be given the opportunity to ask questions of presenting managers and witnesses on the employee's behalf. They are also entitled time out to confer with the employee during the hearing as needed.

They may not answer questions on behalf of the employee, disrupt the process, or prevent the Trust from explaining their case. They are not allowed to address the panel if the employee does not wish them to do so.

7. Grievance Management Procedure

Employees are encouraged to raise workplace concerns informally with their line manager. This may be done verbally or in writing. If the concerns relate to the personal conduct or behaviour of the immediate line manager, the employee should raise the concerns informally with the next level of management. If the employee is unclear who to raise their concerns with, advice can be sought from Human Resources or an accredited trade union representative.

7.1 Guiding Principles:

- Employees are expected to work collaboratively to facilitate a satisfactory resolution without unnecessary delay and maintain confidentiality at all stages of the procedure.
- When raising a grievance, employees should explain the specific issue or areas of concern which they wish to have resolved and state their preferred outcome.
- Employees should present an overview of how they have tried to resolve this issue to date.
- Where possible and appropriate, informal resolution approach are expected to be the first step in grievance resolution. This provides an opportunity for issues to be resolved without recourse to the formal procedure.
- Grievances should be raised within reasonable timescales, preferably within 3 months of the incident causing the grievance. This is to help facilitate prompt resolution, except in extenuating circumstances e.g. due to sickness absence.
- Effective support should be considered for all parties throughout the management of a grievance process. This should be considered during and at the conclusion of any grievance process.

- Unfounded, Speculative and Disruptive grievances such as repeated minor allegations or those of a malicious nature, may result in disciplinary action.
- All parties involved in grievance proceedings should request and be allowed reasonable time in which to discharge their duties following prior agreement with their line manager, this includes grievance investigation process.

7.2 Informal Procedure

Informal resolution is expected to be the first stage of grievance resolution wherever possible. This provides an opportunity for issues to be resolved without recourse to the formal procedure, where it is appropriate to do so.

Employees who wish to raise a grievance should first discuss the issue informally with their immediate line manager unless they feel unable to do so. In this case they should contact the next manager above to raise their concerns.

If the grievance is about the employee's line manager, consideration should be given to raising it informally with the next manager.

Employees should send their concerns either via email or by completing the appropriate sections of the grievance form (Appendix A), clearly setting out in full, the reasons for their grievance and forward to their line manager or another manager (as stated above).

The grievance form should set out in full detail, the nature of the complaint, sufficient information to allow the manager or Investigating manager to understand and investigate the concerns. It should also include clear information on the preferred resolution.

Once notified of the informal grievance, the relevant manager should make every effort to respond/and or meet with the employee for an initial meeting regarding their grievance within a reasonable timescale. This should be between 5 – 10 working days of receiving the grievance. It is advisable to discuss and agree the timescales at the outset, to help manage expectations.

The line manager or relevant manager should discuss the area of concerns raised with the employee at the earliest opportunity to gain an understanding of the situation with a view to reviewing the area of concern and reaching a resolution. At this point the manager may undertake a short fact find to gain a better understanding of the issue.

Where appropriate, consideration should be given by the aggrieved employee on whether facilitated conversation(s), mediation or another intervention would assist in resolving the issues or concerns. Advice should be sought by the line or relevant manager from the ODI Team on whether this would be an appropriate route to consider in supporting an informal

resolution such as a facilitated conversation.

Following the meeting held to resolve the concerns informally, the manager should confirm in writing, usually within 5 working days, the informal action taken to resolve the matter and if appropriate the reasons why the matter remains unresolved, thereby providing an option for the employee to refer the matter to the formal stage.

7.3 Formal Procedure

Where the informal resolution has not been successful or where the individual does not wish to pursue an informal route, the line or relevant manager must set out the content and grounds for the grievance in writing. The employee should present this summary, attaching the grievance notification form duly completed, (Appendix A) together with any additional information relevant to the grievance outcome at the informal stage (if applicable).

If insufficient information is provided on the grievance notification form or email to progress a grievance this should be explained to the individual and further information requested prior to next step arrangements commencing.

Once the grievance notification form and all relevant information have been gathered by the relevant manager, this should be discussed with the appropriate or relevant senior manager such as an operational head of portfolio or equivalent senior manager, who will assume the role of the commissioning manager for the grievance process. The commissioning manager therefore may or may not be within the aggrieved employee's line management chain. Where necessary the HR team will support the service with identifying a suitable commissioning manager.

If the relevant manager within the business area/ department has been involved in the grievance process, then a commissioning manager should be sourced from a different business area/ department by the relevant/ line manager with support from HR.

The commissioning manager will contact HR as priority for next steps.

Occasionally and where appropriate, the Trust reserves the right to engage the use of investigating, or commissioning manager services externally (either from a different Trust or from a non-NHS organisation). In extenuating circumstances, there may also be a need to assign the role of both commissioning and investigating manager externally.

In situations where any of the above applies, the HR Team will coordinate and support the relevant manager(s) appropriately.

Following conversations with HR, the commissioning manager in receipt of the grievance documentation from the relevant or line manager will do the following as appropriate:

- Decide if a formal investigation is required, or if alternative actions will be more appropriate. To take such action, concerned employee will be invited to a formal

meeting where the grievance and resolution will be considered with agreement from the aggrieved party and relevant manager(s) followed by action.

- If investigation is required, appoint an investigating manager - IM, who may be from within or outside the service or business area/department (if possible), to conduct a grievance investigation to gather further information.
- Issue the Terms of Reference, with the key points to be investigation pre - agreed with the employee(s) who raised the concerns. The Terms of Reference is to guide the investigating manager's undertaking, specifying the details of the allegation and scope of investigation.
- The Commissioning manager should make every effort to ensure the terms of reference is agreed with the aggrieved employee(s) to ensure clarity of scope for the investigation.
- Provide support and clarity for the investigating manager if required.
- Review investigation report with HR and decide on required action post investigations. This could include taking specific action which should be agreed with all parties, progress to a grievance hearing, disciplinary hearing or the application of any other Trust policy and procedure.
- If the decision is to progress to a grievance hearing, identify with support from the service and HR, appropriate Chair for the hearing from within or outside the business area/ department.
- Ensure all identified actions are effectively implemented with relevant managers across the business area / department.

7.4 Formal Grievance Investigation

Some grievance cases may not require formal investigation process. However, in cases where an investigation is required as decided by the commissioning manager, to help gather facts for the formal grievance process. The Commissioning manager will appoint an Investigating Manager who will be impartial and without any connection with the grievance process or complaint. The Investigating Manager - IM will be responsible for investigating the complaint in full, gathering the relevant facts to be presented back to the Commissioning manager for a decision.

In exceptional circumstances, where it is deemed appropriate and operationally feasible, the Trust will aim to ensure that the individual raising the grievance, and the party with whom they are aggrieved are not required to work together whilst the grievance is under investigation.

Role of the Investigating Manager

Applying the terms of reference for the investigation. The Investigating Manager (IM) will identify, gather, record and present facts. The IM will not decide on the case, nor will they make recommendations within the investigation report.

The IM will interview the relevant parties and collate any information relevant to the concerns raised. The investigation will be commensurate to the scope and potential gravity or complexity of the allegations and will be supported by a member of HR.

The IM will notify the employee in writing to attend an investigation interview, and the employee will be made aware of their right to be accompanied. This could be via written letter, or an email followed with a calendar invite. Further meetings may be arranged as required if further clarification is needed by the IM. It is important that the IM requests from the employee if there are witnesses which the employee consider vital to the investigation process, which they wish to be contacted as part of the investigation and why.

If there are specific questions which the employee wishes an investigating officer should put directly to a witness, this should be made clear during the investigatory meeting.

It is important to note that information gathered during the investigation process may be disclosed to all stakeholders within a grievance process if required. Total anonymity with regards to information provided during an investigation process may therefore not be appropriate and is therefore not guaranteed.

Witnesses

Witnesses will be made aware that the notes from the investigatory interview will likely be shared as part of the grievance process and made available to all relevant parties. They will be asked to review their notes and return these as a record of the discussion. The notes are not intended to be verbatim; however they will cover the main points of the interview. Witnesses will be reminded of their right to be accompanied by a Trade Union representative or colleague.

Where possible reluctant witnesses will be encouraged and supported to come forward, however, it is not always possible to compel witnesses. Where appropriate HR guidance may be required for a decision.

The IM is required to investigate the facts surrounding the grievance promptly and will be provided with the capacity and skills to conduct a fair thorough and timely investigation. The IM will be supported by a member of the HR team.

As part of the investigation report, recommendations can be made by the IM to the commissioning manager regarding an alternative procedure (only if essential and separate

from the investigation report). This may include, Individual or collective training, coaching, counselling, and much more. However, if the case progresses to a hearing, decisions on the appropriate outcomes and actions rest solely with the grievance hearing panel.

Following the conclusion of the investigation, the report will be provided to the Commissioning manager to review the findings and discuss next steps with HR. This could be to progress by presenting the findings for a grievance hearing or accepting and agreeing set recommendations with all parties e.g. by implementing recommended actions following investigation.

There may also be a need to progress under a different policy such as bullying and harassment or disciplinary policy, based on the information provided during the investigation process.

Decision on next steps will be made based on the findings from the investigation report. If agreed with HR that this will not progress to a grievance hearing, then the Commissioning manager will discuss the rationale with the employee and their representative to ensure there is consensus.

If the decision following investigation process is to progress to a grievance hearing, the hearing will be arranged by HR. A chair will be nominated following conversations with HR.

The employee will be invited to a formal grievance hearing where the grievance and resolution of such will be considered. The timing of the meeting will vary dependant on the complexity of the grievance and the investigatory requirements. However, the meeting should be held as soon as possible, without unreasonable delay.

Where possible, it is expected that a formal stage hearing will be convened within 25 working days of receipt of the decision of the commissioning manager, following the receipt of the investigation report. Any delay to hearing the case within the specified timescale should be communicated to all parties at the earliest opportunity.

8. Formal Grievance Hearing

Further to the investigation, it may be decided that the matter does not require a grievance hearing. Actions identified through investigation may be agreed with the Commissioning manager by all parties, as next steps, or an alternative to a formal grievance hearing. Such conversations will be facilitated by the commissioning manager following consultation with HR.

Where it is decided by the Commissioning manager and HR that a formal grievance hearing is required, a panel will be formed to hear the case consisting of:

- The Chair supported by HR representative in an advisory capacity, neither of whom would have had any prior involvement in the informal stage.

The hearing will also be attended by:

- The employee with their representative, this could either be a Colleague or Trade Union Representative, (it is the employee's responsibility to ensure their preferred representative is informed and present).
- The Investigating Manager supported by HR representative in an advisory capacity.
- A note taker may also be required, to ensure a clear (non-verbatim) written note of the hearing is taken.

Digital recording of the meeting is not permitted. However, formal grievance panel meetings will be recorded by a note taker (non-verbatim) and shared with all present. Covert recording is not acceptable under any condition and may be considered a disciplinary matter.

Where appropriate, a specialist advisor may be called as part of the panel and will be agreed by both sides in advance.

HR will ensure that a letter is sent to the employee inviting them to the formal grievance hearing, giving at least 10 working days' notice.

If an employee is unable to attend the formal hearing due to sickness absence, an Occupational Health referral and report will be required to advise if and when the employee may be fit to attend.

If the companion is unable to attend, then the procedure at Section 6 under right to be accompanied above will apply.

The Investigation manager and the employee must notify the nominated HR representative of their intention to call any witnesses to the hearing (including their names and job titles), no later than 5 working days prior to the hearing. Confirmation of witnesses should be made to both sides with the exchange of information and documentation 5 working days prior to the hearing.

If witness attendance is contested by either side, the Chair will decide upon the appropriateness of their attendance. However, if witness evidence is contested and said witness is unable or unwilling to attend the hearing, the panel will consider what weight will be given to that evidence when reaching their decision and may discount it altogether.

Each party is responsible for briefing and facilitating their witnesses' attendance at the hearing. If a witness is unable to attend on the scheduled date / time, the procedure at Section 6 above will apply.

Witnesses may be supported at the grievance hearing by Trade Union representative or

colleague, however, it is their responsibility to facilitate this support.

The Investigating Manager will prepare the investigation report for the hearing. This will be in the form of a formal report and should include but is not limited to the completed grievance form together with the outcome letter from the informal stage, a timeline of events, witness statements, any agreed actions, the rationale for the decisions and copies of any relevant documentation or information.

The employee may also produce a statement in response to the investigation report findings including any relevant material to support their grievance in addition to the completed grievance form. The management response and any employee case should be provided to HR, 5 working days prior to the hearing to facilitate case exchange of information between the parties, ensuring this is made in a timely manner. The information will be presented to the panel 5 working days prior to the hearing.

9. The Procedure to be followed at a Formal Grievance Hearing

The Chair will introduce those present, explain the purpose of the hearing and how it will be conducted.

The employee will be asked to summarise their grievance and their preferred resolution.

The Chair and the Investigating manager can ask questions from the employee.

The Investigating manager will be asked to summarise their response to the grievance.

The Chair and the employee can question the Investigating manager.

If the Panel feel that further investigation is required, the hearing may be adjourned until such information has been received.

The Panel will adjourn the hearing to consider the decision in private.

If the Panel can arrive at a decision on the day the hearing will be reconvened to communicate the decision, which will be confirmed in writing no later than five working days after the hearing date.

If the Panel requires more time to reach a decision, the meeting will be adjourned, and the decision communicated in writing within an agreed timescale.

The outcome letter will outline the employees' right of appeal should they wish to do so.

Note – *all records and reports received / created by the grievance panel should be forwarded to the relevant HR representative at the end of the process.*

10. Right of Appeal

Employees have the right of appeal against the outcome of a formal grievance hearing. In wishing to exercise this right, the employee should write to the Director of Workforce within 15 working days of the date of the letter confirming the decision clearly setting out in full the reasons for their appeal i.e. procedural failure, new evidence etc.

Appeals will be dealt with in accordance with the Trust's Appeal Policy.

11. Post-Employment Workplace Concerns

LCH recognises that there may be circumstances in which an individual may choose to lodge a complaint after leaving the Trust. The decision to consider workplace concerns from employees who have left the employment of the Trust is at the discretion of the Director of Workforce. The Trust is more likely to resolve a complaint if it is lodged while in employment, and within the 3 months of the incident in line with the grievance procedure, as this will undoubtedly give a better resolution all round.

If an employee who has left the Trust wishes to lodge a complaint, they must ensure they set out their concerns clearly in writing to HR inbox with their preferred resolution stated.

The Head of HR Operations will instruct the most appropriate person to write back responding to the points raised, within 28 working days of receipt of the written concerns.

The Trust grievance policy will not apply and there will be no right of appeal following the written response.

In circumstances where an employee has raised a formal workplace concern but has subsequently left the employment of the Trust before this procedure has been concluded, any outstanding stages of the procedure will no longer apply. To conclude the resolution process, the Trust will set out its response to the workplace concerns in writing and send it to the former employee. There will be no further right of appeal.

12. Resolution Options

Below is a list of options to consider for resolution at both formal and informal stages of this procedure. Line managers are encouraged to be flexible and encompass a full range of possible appropriate outcomes. A full understanding of the concerns from everyone's perspective will help ensure that the most suitable resolution is proposed.

If a facilitated approach is proposed (e.g. facilitated or constructive conversation, or mediation), it should be recognised that talking about the situation can have an impact on individuals. Therefore, it is particularly important for all parties concerned, that the most effective approach is chosen to avoid individuals being required to repeat this

unnecessarily.

Options for resolution may include:

- Reaching a consensus following an informal resolution meeting to reach an agreement or compromise between the parties.
- Minimising contact between the parties (where appropriate).
- Negotiating an agreement for action.
- Educational and/or training interventions for the parties involved.
- Coaching, mentoring, or shadowing for one or more parties.
- Formal resolution meeting between individuals. This can be a facilitated conversation, constructive conversation, or a one-to-one meeting, subject to agreement by all parties.
- Mediation.
- Departmental discussions to seek resolution with team members or operational management team.
- Agreeing alternative working arrangements.
- Reviewing local processes or operating procedures.
- Introducing regular team meetings, one to one's or review meetings.
- Referring matters to the appropriate Trust procedure (e.g. Conduct and Discipline Policy, Supporting Performance Policy, etc.)
- Overturning or upholding the original decision that gave rise to the concerns, providing a clear rationale to the individual(s) involved.

The above list is not exhaustive, managers and employees are encouraged to explore alternative resolution options, relevant to the circumstances of the case.

13. Support During and After Grievance Hearing

LCH offers confidential information, advisory and counselling support through the Trust health and wellbeing page and employee assistance program. This is available to all LCH employees via the intranet and employees are encouraged to access this support at any stage of the grievance process for support.

Following the outcome of the grievance procedure, the manager (who received the grievance) with support from HR and ODI colleagues, will make provision with the parties involved in the grievance to facilitate arrangements to continue or resume working and to help repair working relationships.

HR will support in an advisory capacity, providing advice and guidance concerning the Grievance Policy and Procedure.

If an employee has difficulty at any stage of the Grievance procedure because of a disability for example, the employee should discuss the situation with their line manager, HR, or

trade union as soon as possible.

14. References

NHS Terms & Conditions

ACAS

NHS Constitution.

15. Monitoring Compliance and Effectiveness

Workforce will provide reports on the number of formal and informal grievances as part of the employee relations monitoring data.

16. Review Arrangements

This policy will be reviewed in three years following ratification or sooner if there is a local or national requirement.

17. Associated Documents

Managing Attendance Policy and Procedure

Managing Concerns with Performance Policy and Procedure

Bullying & Harassment Policy

Disciplinary Policy and Procedure Policy and Procedure

Freedom to Speak Up Policy

Records Management Policy

Employee records – guidance for managers

18. Approval And Ratification Process

This policy will be approved by the JNCF and ratified by the Trusts' Remuneration Committee.

19. Dissemination And Implementation

Following ratification this policy will be available to all staff via the Trust intranet site.

A short summary of its contents will also be published in Community Talk.

Process Flow Chart – Grievance Management Process

Informal Procedure

Aim to raise grievance within 3 months of incident.
Discuss with immediate line manager.
If employee feels unable to do so, they should contact the next manager above to raise concern.
Complete grievance form or send an email.
Relevant manager to meet with the employee to discuss next steps.
Relevant manager to implement agreed action.

Formal Procedure

If informal approach has not been successful, the employee must set out the content and grounds for escalating their grievance in writing for formal consideration.
The details should be shared with the manager, who should discuss with HR as priority.
Following a discussion with HR, commissioning manager is identified who will in turn appoint an investigating manager and issue Terms of Reference – ToR (key points agreed with aggrieved employee).
Commissioning manager may or may not be from the aggrieved employee's Business area/ department

Investigation

The Investigating Manager will notify the employee in writing to attend an investigation interview.
The employee has a right to be accompanied.
Following the conclusion of the investigation, the report will be provided to the commissioning manager to review the findings and discuss next steps with HR.
If the decision is to progress to a grievance hearing panel, the hearing will be arranged by HR as priority.
If not, the employee who raised the complaint will be invited to a formal meeting where the grievance and resolution of such will be considered.

Formal Grievance Panel

Will include the Employee, Employee Rep, Investigation Manager, The Chair, HR Rep and Note Taker.
HR representative supporting the Chair should be notified of any intention to call witnesses to the hearing (including their names and job titles) no later than 5 working days prior to the hearing.
There will be a right of appeal.

Right to Appeal

To appeal, the employee should write to the Director of Workforce within 15 working days of the date of the letter confirming the decision clearly setting out in full the reasons for their appeal i.e., procedural failure, new evidence etc.

Support

Following the outcome of the grievance procedure, the relevant manager (who received the grievance) or an appointed manager by the service, with support from HR, will make provision with the parties involved in the grievance to take agreed actions by the panel, facilitate arrangements to continue or resume working and to help repair working relationships.

Appendix A

GRIEVANCE NOTIFICATION FORM

This form should be used for formal recording of individual or collective grievances.

On completion this form must be signed and forwarded to the employee's line manager or in the case where the grievance is against the line manager to that person's line manager. Additional sheets may be attached if required.

Individual

Name:.....

Job Title:.....

Department:.....

Signature:.....

Date:.....

Collective Grievance

We confirm we wish to pursue a formal grievance, as described in this form, and that we authorise the following to act on our behalf.

Parties to the grievance, please state the name(s) of those involved in raising this grievance including any Staffside representative/s

Employee Names	Job Title	Department / Business Area	Line Manager

In the case of a collective grievance please indicate below two employees authorised to act on behalf of the group.

1.....

2.

THE GRIEVANCE

1. Please describe the nature of your grievance clearly setting out in full your reasons (continuing on a separate sheet if necessary)

2. How would you like your grievance resolved?

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3. Please explain what steps have been taken to resolve the grievance informally.

Please attach a copy of the informal outcome letter

4. Please outline why you consider your grievance remains unresolved

Date:.....

MANAGER DETAILS

Signature
Print Name
Job Title
Relationship to Individual/Collective
Date