****

**Grievance Policy**

**[Date of Issue]**

|  |  |
| --- | --- |
| Policy Lead: | [Policy Lead] |
| Version No. | 1 |
| Date of Issue: | [Date of Issue] |
| Date for Review: | [Date of Review] |

CONTENTS

[1. Introduction 3](#_Toc148007002)

[2. Policy Statement 3](#_Toc148007003)

[3. Scope 3](#_Toc148007004)

[4. Procedures 3](#_Toc148007005)

[5. Monitoring 7](#_Toc148007006)

[6. Related Policies 7](#_Toc148007007)

[7. Legislation and Guidance 7](#_Toc148007008)

[8. Summary of Review 8](#_Toc148007009)

# Introduction

When a grievance is raised at [Company Name], it is often better for staff to raise any concerns and/or complaints sooner rather than later to prevent the situation escalating.

This grievance policy sets out both the formal and informal processes of dealing with concerns and complaints raised by staff at [Company Name].

# Policy Statement

Although there are formal processes in place at [Company Name] to deal with grievances, [Company Name] also feel it is important for staff to be able to raise concerns and complaints quickly and effectively in an informal setting.

Grievances should normally be raised with an individual’s line manager, however, if the grievance relates to the line manager, it can be raised with either the Registered Manager or Managing Director.

[Company Name] understand that it may not always be possible or even appropriate to resolve every concern informally. In these instances, the formal grievance procedure should be followed. If there are any concerns about harassment or bullying, please see the Bullying and Harassment Policy, which gives appropriate guidance on what to do.

If staff are concerned about possible malpractice in the company, they should draw this to the attention of the Registered Manager in accordance with the Whistleblowing Policy.

# Scope

This policy and its associated procedures apply to all staff employed by [Company Name].

This policy does not give contractual rights to staff. The Company reserves the right to alter any of its terms at any time although they will notify staff in writing of any changes.

# Procedures

**Formal grievance procedure**

The purpose of the grievance procedure is to ensure that staff have an opportunity to raise, formally with management, any grievances relating to their job, or complaints regarding the company or any of its staff. [Company Name]’s aim is to ensure that grievances and/or complaints are dealt with promptly and fairly by the appropriate level of management.

This procedure only applies whilst staff are employed by the [Company Name]. If an individual leaves [Company Name]’s employment and then raises a grievance, [Company Name] will consider the grievance, but would not normally follow the full procedure.

It is essential to the proper working of this policy and its procedures that, whenever possible, staff continue to work normally whilst grievance procedures are being followed. If the grievance relates to a disciplinary decision that has been taken against an individual, that individual should use the disciplinary appeals procedure. If the complaint or grievance relates to an individual’s immediate manager, this procedure can be commenced at the stage following that in which that manager would be involved. If an individual is part of a group of employed staff that wish to raise a grievance, [Company Name] suggest that an appropriate representative is asked to raise the grievance on behalf of the group.

Each stage of the grievance procedure will be carried out without unreasonable delay. If an individual with a disability has any difficulty at any stage of the grievance process, they should discuss the situation with their line manager as soon as possible.

**Right to be accompanied**

In any formal meetings, under the grievance process,staff have a statutory right to make a reasonable request to be accompanied by a fellow worker or trade union official of their choice.

A companion is allowed reasonable time off from their duties without loss of pay, but nobody is obliged to act as a companion if they do not wish to do so. If the chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than 5 working days afterwards, [Company Name] may request that the staff member choose an alternative companion.

The companion may address the meeting to put forward the case, sum up the case or respond on an individual’s behalf to any views expressed by anyone at the meeting. He/she may confer with the member of staff during the meeting, but they do not have the right to answer questions on the individual’s behalf or prevent anyone from making their contribution to the meeting.

Neither the individual, the individual’s companion, nor anybody acting on their behalf will be allowed to electronically record any meetings held under this Grievance Policy, except in exceptional circumstances and with [Company Name]’s prior express agreement. Any breach of this provision will result in disciplinary action.

**Stage 1: Raise Grievance**

If a member of staff wishes to raise a formal grievance, they should, in the first instance, raise it in writing with their line manager, and the letter should explain the nature of the grievance. The member of staff will then be invited to a meeting to consider the matter and to discuss any suggestions they have for how it may be resolved. The meeting should normally be held within 5 days of the formal grievance being raised. The manager will then normally respond in writing to the grievance within 5 working days of the meeting.

In some circumstances [Company Name] may need to investigate the complaint. If the investigation is likely to take longer than 5 days, this will be confirmed with the individual who has raised the complaint. The Manager will inform, in writing, of any rights to raise grievances at Stage 2 if there is dissatisfaction with the outcome of Stage 1.

Stage 2: Appeal

If the matter is not resolved at Stage 1, the staff member may refer it in writing, within a further 5 working days, to their line manager. The letter should set out the grounds for the complaint and the reasons for any dissatisfaction with the Stage 1 response.

The staff member should be invited to a meeting to consider the matter and to discuss any suggestions they have for how it may be resolved. The meeting will normally be held within 5 working days of the letter being received. The individual’s line managerwill normally give a decision, in writing, within 5 working days of the meeting. The decision made after this meeting is the final stage of the procedure.

**Confidentiality, data protection and record keeping**

[Company Name] aim to deal with all grievances sensitively and with due respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a grievance.

Conducting grievance investigations and hearings under this procedure involves us processing the personal data of the staff concerned. We use this personal data in order to investigate and deal with grievances. Our legal grounds for doing so is that it is necessary:

* to comply with our legal obligations and for the performance of the employment contract (i.e., to investigate and deal with grievances in accordance with our duty of trust and confidence to our staff)
* in our legitimate interest to deal effectively with grievances, whether you are the subject of them or are otherwise connected to the issues raised.

Sensitive personal data and data relating to criminal convictions or offences may occasionally need to be processed under this grievance procedure, for example, where an individual brings a grievance asserting that they have been treated poorly because of their race or sexual orientation or where an individual requires a reasonable adjustment to the procedure to accommodate a disability. Our additional legal grounds for using such data are that this is necessary to exercise legal rights/comply with legal obligations in relation to employment and to establish, exercise or defend legal claims.

If witness statements from staff with information about the grievance is being investigated under this procedure, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the grievance process.

This will ordinarily be the person/people conducting the investigation and the managers conducting any formal grievance hearing or appeal. In addition, if in the course of the grievance procedure it becomes apparent that misconduct has taken place, which requires investigation under our Disciplinary Policy, witness statements taken under this grievance procedure may be used in any subsequent disciplinary procedure and may therefore, be shared with the person/people conducting investigations and hearings, as well as the staff whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

[Company Name] will ordinarily keep records of grievances dealt with under this procedure for 6 months from the date of completion of the grievance procedure, or 6 years if the grievance relates to pay. There may also be circumstances in which it is appropriate for us to keep particular records under this procedure for a longer or shorter period. In such circumstances, [Company Name] will decide how long records should be retained in accordance with the criteria set out in the main staff privacy notice.

More general information, including details of where/how staff’s personal data is shared, their rights under data protection law and who they should contact if they have any concerns, is contained in the main staff privacy notice, a copy of which can be obtained from the Data Protection Officer/Data Protection Lead/Registered Manager.

# Monitoring

Grievances raised will be monitored, trends identified and reported monthly at the Senior Management Team meeting.

# Related Policies

* Bullying and Harassment Policy
* Disciplinary Policy
* EDHR Policy
* Governance and Risk Policy
* Information Governance and Record Keeping Policy
* Quality Assurance Policy
* Whistleblowing Policy

# Legislation and Guidance

**Relevant Legislation**

* Employment Act 2008

**Guidance**

* ACAS Code of Practice: <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>
* The ACAS Guide: <https://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work>

# Summary of Review

|  |  |
| --- | --- |
| Version | 1 |
| Last amended | [Date of Issue] |
| Reason for Review |  |
| Were changes made? |  |
| Summary of changes |  |
| Target audience | Care staff, Managers |
| Next Review Date | [Date of Review] |