AGENDA FOR CHANGE - GRIEVANCE POLICY
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1. INTRODUCTION

The purpose of this policy is to provide a framework that enables employees to raise issues relating to their Agenda for Change banding process, informally in the first instance, and where agreement cannot be reached the opportunity thereafter to raise the issue formally. Issues raised will be dealt with and addressed promptly, while providing the employee with the right to a fair hearing.

2. TYPE OF GRIEVANCE

2.1. There are two types of grievance that may arise and be dealt with in accordance with this policy

- Individual: This is where one employee seeks to address a matter personally
- Collective: This occurs when a group of employees share a complaint

2.2. Where a collective grievance is being raised, the group of employees will nominate one colleague to represent the group at all stages within the policy. The decision concluded pertains to the whole group. In the event a collective grievance is not upheld, at a third and final stage, the procedure will be deemed to have been exhausted and an individual may not then choose to further pursue the same grievance.

2.3. All stages of this procedure pertain, and will be applied equally, to individual and collective grievances.

3. GENERAL PRINCIPLES

3.1. It is the policy of the organisation that an employee(s) should receive a fair hearing concerning any grievance. The spirit and intention of this policy is to promote the best possible relations between management and staff. Staff will be able to exercise their right under this policy without fear of recrimination or conflict.

3.2. Throughout the formal and informal stages of the procedure, the employee(s) has the right to be represented by a trade union/professional organisation representative or work place colleague.

3.3. Except with prior mutual agreement, all parties will adhere to the timescales contained within the policy. Grievances may be lodged within one calendar month of receiving notification of the outcome of each stage within the process.

3.4. Any supervisor or manager, who has had any informal or formal involvement in considering the merits of a grievance raised with respect to the Agenda for Change banding process, will not be able to further consider the matter at subsequent stages of the procedure.

3.5. Reference to weeks within this policy is equal to a period of seven calendar days.

4. TIME LIMITS IN HANDLING A GRIEVANCE

4.1. All time limits in this procedure are the maximum. However, all grievances should be dealt with as quickly as possible and both parties shall endeavour to reach agreement at an early stage in the procedure.
4.2. The time limits specified within this procedure may be varied with the consent of both parties, but it is in everyone’s interest to resolve matters at the earliest opportunity.

4.3. Where a particular manager is not available the use of a nominated deputy can ensure that this procedure is followed within the specified time limits.

5. ROLE OF PROFESSIONAL REPRESENTATIVES/TRADE UNIONS

5.1. Employees have the right to be represented at all stages of the proceedings. The representatives will be appropriately trained and familiar with the contents of the policy/procedure, therefore, enabling members of staff to access the information and support required. Primary responsibilities are of representation and support. In many instances the staff side representative will be the first point of contact, therefore, having a key role in ensuring the appropriateness of the information given to the member of staff.

6. PROCEDURE

6.1. Informal Stage

6.1.1. When an employee(s) feels aggrieved about the process associated with their Agenda for Change banding, it should be raised informally in the first instance with the Agenda for Change Operational Team.

6.1.2. The principles contained within this policy apply to both informal and formal stages of the procedure and must be adhered to,

6.1.3. If the employee(s) remain dissatisfied they may chose to initiate the formal stages of the procedure.

6.1.4. The choice to progress to the formal stage must be notified to the General Manager, Employment Services, within four weeks from the informal meeting

6.1.5. Grievance Notification Forms are available from Human Resources and on the Intranet (where applicable)

6.2. Formal Stages

6.2.1. There are two formal stages

- Stage 1 – Grievance Hearing
- Stage 2 – Grievance Appeal Hearing

6.2.2. The employee(s) has the right to be represented/supported at each of the formal stages by their Professional or Trade Union representative or by a work colleague.

6.3. Formal Stage 1 – Grievance Hearing

6.3.1. In the event that the employee(s) remain dissatisfied after informal consideration of the grievance, the matter should be referred to the first formal stage by the completion of a Grievance Notification Form (see appendix)

6.3.2. This form should be sent to the General Manager, Employment Services. On receipt of the form, the General Manager, Employment Services will arrange a Grievance Hearing to be held within four weeks. The grievance will be considered by a panel consisting of one management and one staff side representative, neither of whom will have been involved in the process at a previous stage.
6.3.3. On conclusion of the hearing the General Manager, Employment Services will write to the employee(s) confirming the outcome of the hearing and the reasons for the decision taken. This should be within two weeks of the hearing. This letter should also advise the employee(s) of the name of the person they should write to if they remain dissatisfied with the outcome and how they can progress the matter to Stage 2. A Grievance Appeal Notification Form should also be appended to the letter.

6.3.4. The employee(s) should submit notification of Appeal to the Director of Organisational and Human Resources Development (O&HRD) within four weeks of receiving written confirmation of the outcome of Stage 1.

6.3.5. The appeal panel will submit a Record of Grievance/Appeal Outcome Form to the Department of O&HRD.

6.4. Formal Stage 2 – Grievance Appeal Hearing

6.4.1. The second formal stage will be initiated where the employee(s) remains dissatisfied with the outcome of Stage 1 and a Grievance Appeal Notification form has been submitted and received by the Director of O&HRD, within four weeks of the notification of the outcome at Stage 1.

6.4.2. The Director of O&HRD will arrange an appeal hearing and request a written statement of case in respect of Grievance from the Appeal Panel and the employee(s).

6.4.3. The hearing will be conveyed and conducted by the Director of O&HRD along with a Staff Side representative. Neither of the two people on the appeal panel will have had previous involvement in the grievance, in order that an impartial decision can be based on the facts.

6.4.4. On conclusion of the hearing, the Director of O&HRD will write to the employee(s) confirming the outcome of the hearing and the reasons for the decision taken. This should be within two weeks of the hearing and this letter will also state that this is the final stage of the process.

6.4.5. The employee(s) has no further recourse within the organisation and the outcome of the third stage is final.

6.4.6. The Appeal Panel will submit a Record of Grievance/Appeal Outcome Form to the Department of O&HR Development.

7. RECORD KEEPING

7.1. Record should be kept detailing the nature of the grievance raised, the response, and any action taken and the reasons for it. These records should be kept confidential. Any records will be retained in accordance with Data Protection Act 1998, and data will only be released in circumstances that comply with the Act.

7.2. The Department of O&HRD will assume this responsibility.
APPENDIX

CONDUCT AT FORMAL APPEAL HEARINGS

The main purpose of a formal hearing is to ensure that all present have a full understanding of the issue. Formal hearings will be considered by a supervisor/manager who has had no previous involvement in the grievance in order that an impartial decision can be based on the facts. The hearing should adopt as flexible approach as possible, whilst adhering to the following principles.

- Both parties must be given the full opportunity to present the cases orally and call any witnesses.

- The employee or employee’s representative will state their case in the presence of the AfC Project co-chairs and may call witnesses to support their case.

- The co-chairs and panel members (where appropriate) shall have the opportunity to ask questions of the employee/representative and witnesses.

- The co-chairs shall state their case and may call witnesses.

- The employee or representative and members of the panel (where appropriate) shall have the opportunity to ask questions of co-chairs and witnesses.

- Witnesses will normally only be present whilst giving evidence.

- Written evidence not previously circulated and presented at the hearing may only be admitted at the discretion of the panel hearing the appeal. Where accepted, sufficient notice must be given to enable both parties the opportunity to review evidence in advance of hearing.

- The panel hearing the appeal may ask either party to clarify/expand upon any previous evidence submitted and explain the relevance of any witness called.

- There should be full consideration of evidence produced prior to the appeal hearing. The hearing may be adjourned at the discretion of the panel hearing the appeal to enable further evidence to be produced by either party, or any other reason.

- The co-chairs will have the opportunity to sum up followed by the employee, at this point neither may introduce new information.

- The hearing will be called to a close, to enable the panel to determine their decision. The decision of the panel will be communicated in writing to both the appellant and the co-chairs within the timescales defined within the policy.
FORMAL PROCEDURE STAGE ONE

GRIEVANCE NOTIFICATION

This form is for use when an employee wishes to raise a Grievance with respect to their Agenda for Change banding process, after an employee considers an unacceptable or unsatisfactory ruling or decision has been given by their immediate Line Manager.

Use of this form, both as notification of the Grievance, and as a record of subsequent discussion(s) and decision(s) is restricted to the formal stages of the Grievance Procedure.

Copies of the form will be issued as requested by the appropriate Human resources Department.

SECTION A: For completion by the employee raising the Grievance. If collective Grievance, provide on a separate sheet the reasons/grounds of all employees together with the name of the employee who will act as the spokesperson for the group. All correspondence will be via this named individual.

Name ________________________________________________________________

Job Title and Grade ______________________________________________________

Department ___________________________________________________________

Name of professional/Trade Union representative ___________________________

Details of Grievance being raised: (continue on reverse of form if necessary)

***Include the details of any informal discussions held relating to this issue and the outcome of this ***

Signed: ___________________________ Date: ____________________________

You should submit this form within 20 working days of receiving notification of the decision taken by your Supervisor/Manager at the informal stages of this procedure.
GRIEVANCE APPEAL NOTIFICATION

This form is for use when an employee remains dissatisfied with the outcome of a Grievance Hearing convened in accordance with the formal procedures of the NHS Ayrshire and Arran Grievance Procedure – Agenda for Change.

Employees will be asked to provide a full written statement of case in respect of their appeal, however, this form should be used to:-

1) Lodge a Formal Appeal
2) Provide a brief summary of the Grievance and basis of Appeal

For completion by the Employee raising the grievance:

Name of Employee raising the grievance _____________________________________________

Job Title/Grade: ________________________________________________________________

Department: _________________________________________________________________

Name of Employee's Representative _____________________________________________

Trade union/Professional Organisation: __________________________________________

Date of Grievance Hearing ______________________________________________________

Date of receipt of notification of outcome of Hearing: _____________________________

Manager/Panel who heard Grievance _____________________________________________

Appeal submitted to: __________________________________________________________

Details of Grievance and basis of Appeal:

Signed: ______________________________________________________________________

Date: ________________________________________________________________________

You should submit this form within 20 working days of receiving notification of the decision taken by your Supervisor/Manager at the informal stages of this procedure.