



Title: **Grievance - Group Procedure**

Business functions: **Applicable to all functions across Sanctuary Group**

Author: **HR Services**

Authorised by: **Group Director - Corporate Services**

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Objective

To outline a process for dealing with employee concerns and grievances relating to such things as pay, conditions and work situations.

Document applies to

Members of staff raising a grievance

Managers handling the grievance and investigation

Review

Date	Details
May 2020	Formal review - minor amendments and formatting changes. New process maps have been appended; Appendix 1 - Formal Grievance Procedure - Stage 1 (Grievance) and Appendix 2 - Formal Grievance Procedure - Stage 2 (Appeal). Also, removal of the Grievance - Group Policy, as this procedure now sits under the HR - Group Policy .

Appendices

Appendix 1 - Formal Grievance Procedure - Stage 1 (Grievance)

Appendix 2 - Formal Grievance Procedure - Stage 2 (Appeal)

1. Informal procedure

1.1 Employee guidance:

- Where possible, any issues or concerns in the workplace should be addressed informally and resolved through informal discussions.
- You should approach your line manager with any concerns, or if you feel unable to speak to your line manager, you may approach another manager or their HR Business Partner (HRBP).
- You do not have the right to be accompanied to any meeting or mediation held under the informal procedure.

1.2 Manager guidance:

- A record must be kept of the informal grievance and outcome.

2. Formal procedure

2.1 Process maps:

- Formal Grievance Procedure - Stage 1 (Grievance) - **Appendix 1**.
- Formal Grievance Procedure - Stage 2 (Appeal) - **Appendix 2**.

2.2 Employee guidance

2.2.1 Raising a grievance:

- If you feel that the informal procedure is not suitable, or has not fully resolved your concerns, you may wish to raise your grievance formally in writing to your line manager, or appropriate other manager.
- You should be aware that, if you are raising a grievance against another member of Sanctuary Group staff, the individual(s) concerned will be made aware of this.
- If you are raising a grievance in conjunction with other employees (a group grievance), then it should be agreed for a maximum of two to represent the group concerned.
- You have the right to be accompanied to any formal meeting by a current work colleague, staff council representative, or trade union representative.
- In the case of group grievances, should you wish to be accompanied, this will be by one companion only, even if two employees attend the meeting to represent the Group.
- Once you have formally raised your concerns, your manager, or the manager assigned to hear the grievance, will invite you to a meeting to discuss your concerns. They will usually then carry out an investigation, which may include speaking to others and gathering any relevant documentation, before providing you with an outcome letter explaining their decision within 14 calendar days.

2.2.2 Appealing the decision:

- If you are dissatisfied with the outcome, you can appeal the decision by writing to the next senior manager within seven calendar days of receiving your outcome letter. Your appeal should be based on one or more of the following grounds only:
 - the grievance procedure was not followed correctly;
 - the manager who heard the case was not aware of essential information which could have affected the outcome; and
 - the outcome does not address all the points raised in the grievance.
- If you appeal the decision, the senior manager will invite you to an appeal hearing to understand your reasons. They may carry out further investigation, if this is appropriate or required. They will then notify you of the outcome of your appeal by writing within 14 calendar days.

2.3 Manager Guidance

2.3.1 What happens when a grievance is raised?

- If an employee raises a formal grievance, you must inform your HRBP before any formal action takes place and may assist with the meetings.
- The HRBP or HR Business Manager must be in attendance at all grievance and appeal meetings where allegations of discrimination or whistleblowing are being made.
- Employees have the right to be accompanied to any formal meeting by a current work colleague, staff council representative, or trade union representative. Where the employee opts to be accompanied by a trade union official, Sanctuary reserves the right to ask to see official identification from the representative.
- Upon receipt of the grievance, you should acknowledge this in writing, and invite the employee to a meeting to fully understand their concerns.
- You will then need to carry out an investigation to determine whether the employee's concerns can be upheld, and what action may be appropriate to resolve the situation.

2.3.2 What is an investigation?

- An investigation may take place before or after the grievance hearing, depending on the nature of the grievance.
- Any grievance investigation should be impartial and thorough, and may be carried out by either the hearing manager or an appointed investigation officer.
- Investigations aim to look into the employee's concerns to establish whether they can be upheld or not.
- Investigations may involve:
 - interviewing the employee who has raised the grievance;
 - interviewing the employee(s) who the grievance has been raised against;
 - interviewing any other relevant individuals (for example, potential witnesses); and
 - obtaining and analysing any documentary evidence.

2.3.3 How are investigations carried out?

- Establish what needs to be investigated, who needs to be interviewed, and what documents could be useful.
- Arrange interview meetings with any relevant individuals.
- Request that a note taker be present at any meetings to act as an independent witness and record what has been discussed.
- Collate all information and evidence into an investigation report, including:
 - a clear description of the grievance and the impact on the individual bringing the grievance;
 - the aspects of the grievance that can be upheld and with what evidence; and
 - the aspects of the grievance that cannot be supported, with reasons.

2.3.4 What happens after an investigation?

- Either:
 - Invite the employee to a meeting to discuss the findings of the investigation report
- Or:
 - if the grievance meeting took place prior to the investigation, proceed to the outcome letter.

2.3.5 Outcome letter:

- The outcome letter must be based on information gathered in the investigation report and the grievance hearing.
- The outcome should be provided in writing to the employee within 14 calendar days.
- If this is not possible, or if further investigation is required following the grievance meeting, the employee must be notified of the delay, the reasons for this, and when they can expect to receive an outcome.
- All outcome letters must be reviewed by the relevant HRBP or HR Business Manager prior to being sent to the employee.

2.3.6 Anonymous grievances:

- When an anonymous grievance is received, managers should seek advice from their HRBP and decide whether or not the grievance requires further investigation.
- This decision should be based on the information available in the grievance, such as:
 - the specificity of the alleged incidents;
 - the consequences of not investigating the allegations raised; and
 - if the allegations are supported by evidence or other complaints of a similar nature.

2.3.7 Post-employment grievances:

- If a grievance is raised by an employee who has resigned, is on garden leave, or is working their notice period, the standard grievance procedure will apply.

- If an employee raises concerns in their resignation, the HRBP will write to them, inviting them to a meeting to discuss their concerns. If the individual wishes to proceed, the standard grievance procedure will apply.
- Should a grievance be raised post termination of employment, within 14 calendar days of the last date of employment, the Group will:
 - invite the ex-employee to a meeting to discuss the grievance within 14 calendar days from receipt of the grievance (where practicable);
 - conduct any investigation required; and
 - respond in writing to the ex-employee within seven calendar days (where practicable) from the date of the meeting with the ex-employee.
- Should the ex-employee not wish to meet with the manager dealing with the grievance, the manager should still conduct stages 2 and 3 of the above. There is no right of appeal against the decision made.

3. Mediation

3.1 What is mediation?

- A voluntary and confidential process where impartial mediators are appointed to support two or more people in reaching an agreement.

3.2 When can mediation be helpful?

- Can be used at any stage; however, it is especially effective when used at the initial stages of any disagreement before conflict escalates.
- Can be used prior to formal procedure, or as an agreed outcome to a formal procedure.
- May be appropriate in the following circumstances:
 - for conflict involving colleagues or between a line manager and their employee(s);
 - to rebuild relationships after a formal dispute has been resolved; or
 - to address a range of issues, including relationship breakdown, personality clashes, communication matters, perceived bullying and harassment.

3.3 How to arrange mediation:

- Should an employee wish to use mediation to help resolve a workplace dispute, they should contact their line manager or HRBP who will make the referral.
- If full mediation is not required, a 'facilitated meeting' can be arranged with the affected parties, facilitated by a HRBP, as part of the informal process.

4. Grievances and disciplinary action

- If the grievance procedure indicates that a breach of rules, policies or procedures has taken place by the person bringing the grievance or any other employee, then evidence collected during this procedure can be used in a disciplinary hearing.

- A separate investigation for the purpose of a disciplinary hearing may not therefore be necessary. This also reduces the stress on employees who would otherwise be involved in two separate investigations.
- Employees are encouraged to raise issues at any point. However, they should be aware that if the issues they have raised result in disciplinary proceedings being instigated against another person, they will be expected to offer evidence in any investigation into the matters raised.
- Any disciplinary action will be managed in line with the [Disciplinary - Group Procedure](#).

5. Keeping records

- Records of grievance related matters are confidential.
- Records should detail the nature of the grievance and any subsequent action taken.
- Once the matter has concluded, all records should be sent to the Corporate Shared Service Centre (CSSC).
- Records are held on the employee's personnel file and OneSanctuary HR in accordance with the [Data Protection Act and General Data Protection Regulations 2018](#).