

### Frequently asked questions

#### 1. What is a Grievance?

A grievance is a concern, problem or complaint raised by a staff member about work that cannot be resolved informally with your line manager. This policy and procedure makes sure NHSBT deal with any grievance you have at work in a quick, consistent and fair way.

#### 2. When should I raise my concern?

You will need to raise your concern as soon as possible after the situation that you are unhappy about has occurred. A grievance can be raised by you personally or through a Trade Union Representative.

#### 3. I have a problem with another employee/worker. What should I do?

A grievance can only be raised between an individual and NHSBT. However, there may be times where an employee has cause for concern about a fellow member of staff. You will need to look at the Dignity at Work Policy to support you should this occur.

Should NHSBT fail to address your complaint in this situation, then you can submit a grievance if you feel that a policy or process has not been applied fairly.

#### 4. If I submit a grievance, how long should I expect this to take?

The time limits held within the policy are designed to ensure that concerns are dealt with as quickly as possible. In exceptional circumstances where these timescales cannot be met they can be extended by mutual agreement. Clear explanations for delays must be communicated promptly.

#### 5. Who will Chair the grievance panel?

The person who will take your grievance forward and chair the panel will be an independent manager. What this means is:

- They will not have heard your grievance at the informal stage
- They will not have been previously involved in the case i.e. not have advised the manager in the informal stages, or be part of what caused the original grievance
- It may be your manager's manager subject to the above
- It is likely to be someone in the same directorate with good knowledge of the environment you work in if appropriate
- It may be someone outside of the directorate, however this person may then be supported by someone with good working knowledge of the environment you work in if appropriate

#### 6. What representation can I expect at any meeting?

For an informal meeting, no representation is required. However, for a formal meeting, you have the right to representation by an NHSBT employee or representative of a Trade Union you belong to, to attend this and any further meetings.

## **7. I have left the organisation, but I am still aggrieved about a work situation that occurred before I left. What can I do?**

You must be still employed by NHSBT at the time of the incident and at the time of the grievance being submitted; therefore it will be considered to be too late for you in this case. You may however choose to submit your concerns followed by an informal discussion with your previous manager or HR consultant to highlight the areas of concern to us.

## **8. What happens if other members of my team have the same concern as me?**

If following informal attempts to resolve your issue, you should refer the matter to your local staff side representative, who may submit a collective grievance.

## **9. With a collective grievance, will I need to be named as a member of the team submitting the grievance?**

This would only be necessary if you are impacted directly and we need to look at historic data, such as anything impacting on your pay.

## **10. If I receive a grievance form, what do I do?**

If you are a manager, you may receive these from time to time. You should always acknowledge receipt immediately in writing, and advise your manager. You will also need to log this with HR Direct who will create a new case and allocate it to a HR consultant to take this forward with you, or the appropriate manager for investigation.

## **11. What if I have a grievance about national Terms & Conditions?**

If you believe national terms and conditions are being incorrectly applied, you should seek to resolve the issue informally at first. If it cannot be resolved, a grievance can be submitted. A grievance cannot be submitted about the correct application of national agreements. In the case of dispute as to whether national agreements HAVE been correctly applied, this can be sent to the SPC secretary and chair who will ultimately decide if the grievance is to be pursued.

## **12. I am unhappy with the Banding allocated to my job.**

Matters concerned with grading appeals are dealt with under the Job Evaluation Procedure.

## **13. My issue is related to a recent change that has happened in my department.**

Major or significant changes following consultation are dealt with under Organisational Change Policy. No action will be taken where an employee is aggrieved with the application of an NHSBT Policy or Procedure that has been agreed nationally in partnership, which has been correctly applied.

Some changes are however more local, and may not have been made following formal consultation. You should check with your staff side representative as to how these changes came about and what mechanism was used to implement the change. You may also need to refer to the minutes of national and local committees. Should you still have a concern, you may use the Grievance Policy to raise your concern. If it is a collective grievance, this will need the support of a national Staff Partnership Committee (SPC) staff side member.

## **14. Will any change be applied to me, prior to the issue or concern being resolved?**

Where possible, if both parties are unable to agree a solution in the informal stages, NHSBT will maintain the status quo or keep any proposed changes the same until an issue is resolved. However, there are occasions where certain situations cannot be maintained such as the discovery of an overpayment to an employee. Status quo will normally be applied in the case of Collective Grievances which are submitted by an accredited trade union representative. In the case of a dispute as to whether status quo CAN apply, this should be sent to the SPC secretary and chair who will ultimately decide if the grievance is to be pursued.

## **15. What is the definition of Status Quo?**

Status quo is a Latin term meaning the present, current, or existing state of affairs. To maintain the status quo is to keep things the way they presently are.

## **16. How can I be assured that all information related to my concern or issue is kept confidential?**

All records will be treated as confidential and held in line with the General Data Protection Regulation (GDPR). You can ask for a copy of any of these records. In exceptional circumstances it may be necessary to withhold information (for example, to protect the identity of a witness).

## **17. What is facilitation and mediation and when should it be considered?**

To help resolve any issues early on in a process or to prevent the situation getting worse, facilitation is a process of dispute resolution where a manager, staff side or a member of HR, act as an interface in a series of private and joint meetings.

In addition, we offer a Mediation Service facilitated by impartial mediators. This is a confidential process where parties both agree that this may be beneficial to them and agree to attend and are asked to sign a confidentiality agreement before mediation commences. The final outcome of mediation is agreed by the parties, not the mediator. For more information on Mediation, contact HR Direct on (2)7700 or at [HRDirect@nhsbt.nhs.uk](mailto:HRDirect@nhsbt.nhs.uk)

## **18. As a chair of the panel, what preparations do I need to consider?**

You will need to ensure that you have requested and received the submission form and any further detailed information to support this from the employee, in readiness for the panel meeting.

The panel should consist of the chair, who needs to be a manager (not previously involved in the process) and they should be supported by Human Resources in an advisory capacity. Please consider everyone's availability, to ensure the meeting can ahead without further delay.

As chair, you need to provide the employee with reasonable notice of the meeting, advising them of the reason the meeting is taking place, the arrangements, and their right to be accompanied. At this time, you should also provide the details of the grievance form and any supplementary information received, to the manager and their support. In addition, the manager must provide details of their original decision to you. This must be sent out to the employee with the invite letter.

## 19. If after the outcome of the Grievance Hearing, I am still not happy with the outcome, what are my options?

If you are unhappy with the outcome, you may appeal. The appeal process is however not in place to re-hear a case, it is to ensure that the policy and process has been followed throughout, and therefore all parties need to ensure that all relevant information is provided at the first hearing.

If you wish to appeal, you initially need to tell us in writing, which could be by letter or e mail within 7 calendar days of the outcome letter. You then have a further 14 days, 21 days in total from the date of the outcome letter, to provide the grounds with as much detail as possible, to enable the original panel to respond to your appeal in readiness for the appeal hearing. The decision of the appeal hearing is final and marks the conclusion of the internal Grievance process.

## 20. Policy approval & review

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