



Business Services
Organisation

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Regional Grievance Policy & Procedure

August 2022



Policy Procedure Development Overview

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1.0 SUMMARY OF POLICY AND PROCEDURE

The purpose of this policy is to explain the BSO's response to employees who, during the course of their employment wish to raise grievances. This policy provides an approach to ensure the concerns are dealt with quickly, fairly and constructively. The policy aims to encourage positive employee relations and to secure constructive and lasting resolutions to workplace concerns. This is in line with the HSC values and the BSO expects all staff involved in the grievance process to consistently demonstrate the values of compassion, openness and honesty, working together and excellence.

The BSO recognises that in the course of work, an employee may feel aggrieved and expects that normal day to day management should deal with the majority of work issues without the need to resort to formal procedures. The BSO would always encourage and promote early resolution although it recognises that there are times when a more formal approach is necessary. This will be done in line with current legislation and best practice guidance outlined by the Labour Relations Agency Code of Practice on Grievance Procedures.

1.1 Definitions

BSO	Business Services Organisation
Employee	Anyone employed by the BSO, including those on fixed term contracts and bank workers.
Employee Representative	Any employee of the BSO who is an accredited representative of a trade union, professional organisation or staff organisation, a full time official of a Trade Union or a fellow Organisation employee
Trade Union	Nationally recognised NHS negotiating body
Management Representative	A manager who is familiar with the concern raised in the grievance. The manager may be invited to the grievance hearing or related meetings to provide information to the grievance panel, if considered necessary to clarify any points raised.
Grievance Panel	The persons with the appropriate authority to resolve the grievance

2.0 RESPONSIBILITIES

2.1 Director of Human Resources

The Director of Human Resources has a responsibility to ensure that robust systems are in place, to ensure compliance with the policy and employment legislation. They will also ensure that all Directors, Managers, Human Resources staff and employees are fully aware of their roles and responsibilities in relation to this policy.

2.2 Managers

Managers will attempt to resolve workplace concerns raised by employees informally, fairly, consistently and within the agreed timescales.

2.3 All Employees

All employees are required to participate and co-operate with others in ways aimed at resolving workplace concerns and to state what would be seen as a suitable outcome.

2.4 Employee Representative

Employee representatives have an important role to play in both the handling and resolution of workplace concerns and should work in partnership with the BSO to support prompt and satisfactory resolution.

Employees should be advised of their right to be accompanied at all formal stages in the procedure by a Trade Union representative or workplace colleague.

Legal representation, that is solicitors and/or professional legal counsel, will not be permitted at any stage of this Grievance Procedure

Under the Section 75 equality categories, employees who require additional support to help resolve grievances should seek advice from their trade union representative or Human Resources Department.

2.5 Human Resources

The Human Resources Team will work with managers, Trade Unions and all employees to ensure the policy is followed and complies with employment legislation. They will provide support and advice to managers, employees and Trade Union representatives. Human Resources are responsible for advising all parties on the grievance process, including providing advice on any options that may facilitate early resolution of employee's workplace grievances. Human Resources staff may be directly involved at any stage of the grievance process and will help to maintain consistent and uniform standards throughout the Organisation.

2.6 Grievance Panel

The Panel will consist of two senior managers at the appropriate level who have the authority to make a decision based on the concerns raised. The Panel Chair will take the lead responsibility for ensuring the hearing is conducted appropriately. He/She/They will also ensure that a decision is reached and a written response is provided.

2.7 Management Representative

Will represent the position of management and may be invited to attend the hearing, or any subsequent meetings at the request of the grievance panel if considered necessary to clarify any points raised

3.0 POLICY STATEMENT

3.1 Scope

This policy applies to all BSO employees including medical and dental staff and bank workers. Other staff, e.g. contractors, locums and agency staff employed to carry out duties within the BSO premises on behalf of the Organisation will be covered by the protocols specified in contractual arrangements with third party organisations.

Any concerns should be treated in a fair and consistent way and dealt with quickly and supportively. This approach can be used for individuals and groups when there is a collective complaint.

This policy is aimed at securing constructive and lasting resolutions to workplace concerns. It is suitable for the following types of issue;

- Concerns about how the allocation or distribution of resources affects the employee
- Concerns about the actions or inactions of the BSO that may impact the employee
- Concerns about the application of a policy

The following are excluded from this procedure and the appropriate policy/procedure should be referred to;

- Disciplinary matters
- Outcomes of Job Evaluation/Banding Reviews

- Terms and conditions of employment that are either set nationally or by local collective bargaining procedures, that an employer does not have the authority to change
- Pension issues
- Policy on Concerns at Work about Patient Care or Matters of Business Probity/Conduct
- Where there is general interpersonal conflict within the workplace or when a member of staff believes they have been subject to bullying or harassment this should be dealt with under the Conflict, Bullying and Harassment Policy
- Complaints arising from the Recruitment and Selection process (excluding Expression of Interest applicant pools)
- Policies that already include an appeal process
- Where a policy does not have an appeal process in its own right then an appeal may be considered under the appeal stage of the Grievance Procedure.

3.2 Principles

- a) All grievances must be dealt with through the informal process in the first instance as outlined in Section 3.4.2.
- b) If a grievance cannot be resolved informally, a formal hearing will be arranged. This can either be in person or virtually if necessary. For collective grievances, two lead persons should be nominated to attend the grievance hearing on behalf of the group.
- c) All grievances should be raised as close to the issue/ event as soon as is practically possible. This should not normally be later than four months after the issue/ event other than in exceptional circumstances.
- d) All parties are expected to take all reasonable steps to participate fully with the grievance procedure. Section 3.3 advises on the arrangements when an employee is unable to attend the Hearing.
- e) At all stages of the process, all parties will endeavour to progress meetings, hearings and outcomes on a timely basis in line with the timescales laid out in the policy and procedure.
- f) At all formal stages during the grievance procedure the employee will have the right to be accompanied and/or represented by an employee representative as defined in Section 1.1.
- g) An employee who has a grievance must exhaust each stage before proceeding to the next. The matter will not normally be progressed until the previous procedural stages have been concluded.

- h) The Grievance Panel will consist of two managers at an appropriate level. The panel must have the authority to make any decision in relation to the grievance, but must have no involvement in the decisions that led to the grievance and not be impacted by the outcome of the grievance. In most instances this will require someone removed from the managerial unit impacted by the grievance.
- i) To expedite and inform the grievance process, both the employee and management representatives are expected to commit to providing relevant information to the grievance panel on a timely basis. For the employee raising the grievance this will mean completing the Notice of Grievance Form in full, sharing relevant documents in advance of the Hearing and attending the Hearing prepared to present the case with the relevant information available. The Management Representative should also be prepared, when meeting with the panel to have all the necessary information available in response to the grievance.
- j) The Grievance Panel and/or Appeal Panel may seek additional information/clarification in the pursuit of resolution of the grievance. If new information is provided to the panel after the grievance hearing which will impact the outcome of the grievance, it is important that all parties are given the opportunity to respond/comment on this information.
- k) Managers should retain written records of all meetings with employees under the informal process including outcomes.
- l) Panel members should ensure they take/have a note of the key factors and considerations of the grievance hearing and related meetings. After issuing the outcome of the grievance these notes should be forwarded to HR for filing.
- m) Reasonable adjustments will be made throughout the grievance procedure to ensure accessibility for staff who fall within the DDA 1995 legislation or, due to their ethnicity need additional support.
- n) In cases where the Chief Executive is the line manager, the employee may raise the grievance with the Chair of the BSO Board or his/her/their nominee.

3.3 Meetings/Hearings

If an employee cannot attend a meeting/hearing through circumstances outside her/his control and unforeseeable at the time the meeting/hearing was arranged they must notify the HR Department and provide reasons. The BSO will arrange one further meeting/hearing. Failure to attend this rearranged meeting/hearing will, unless there are exceptional circumstances conclude the process.

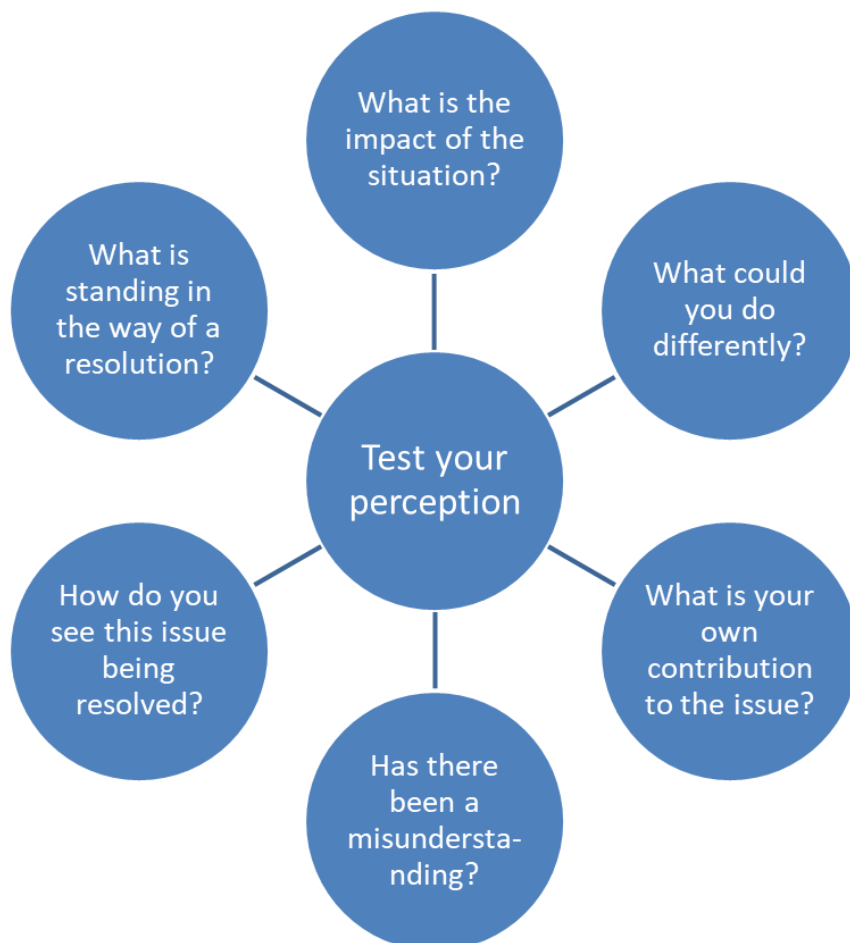
3.4 Grievance Procedure

This procedure details the appropriate steps to be followed when pursuing and dealing with a grievance.

Before using this procedure, an employee should test their perceptions, explaining their understanding to a trusted colleague, manager or trade union representative. The aim of doing this is to gain greater clarity and perspective on the concern.

3.4.1 Testing your Perceptions

The diagram overleaf outlines some key questions to help an employee test their perceptions of their grievance.



If at the end of this test the employee remains feeling aggrieved they can move to the informal stage of this procedure.

3.4.2 Stage 1: Informal Stage

All grievances must be dealt with through the informal process in the first instance. Every attempt should be made by both the manager and the employee to resolve the issue in an informal manner where possible through discussion.

An employee can raise the matter either verbally or in writing, with their immediate line manager. The line manager should respond in writing to organise a resolution meeting to take place as soon as practicable and within 10 working days of receipt of the request.

Where the grievance lies with the line manager, then the employee should raise the matter informally with the next level of management. In these circumstances, advice and support can be sought from the Human Resources Department by either party.

3.4.3 Informal Resolution Meeting

Grievances are often resolved quicker and more satisfactorily through discussion between the relevant parties on a timely basis. Before raising a formal grievance, employees are required to participate in an informal resolution meeting with an outcome reached. This meeting will involve all parties (two representatives in group grievances) and should focus on working together to identify, agree and resolve issues. The resolution meeting must be approached and conducted in accordance with HSC Values and behaviours and should be structured to;

- Allow adequate time for parties to explain and listen to each other's concerns, provide any evidence or information relating to their concerns and discuss the impact these concerns are having on them, their role or service provision.
- Explore possible reasons/specific problems.
- Explore how issues can be addressed and what the employee is seeking in terms of a resolution.

It is important that all parties make every effort to listen and try to understand each other's perspective on the issue of concern. To help resolve the issue, it may also be appropriate for parties to discuss the issue with a trusted colleague or peer in another service area who will challenge and help them understand the different perspectives using a coaching approach.

It is not usually necessary for HR or trade union colleagues to attend these meetings, but that does not preclude their attendance or that of a facilitator if necessary.

The line manager will inform the employee in writing of the conclusions reached in the resolution meeting as soon as practicable and within 10 working days of the meeting. This letter will outline the nature of the grievance, the steps taken to resolve the issue and conclusions/resolutions reached. Managers should retain written records of all meetings with employees under the informal process including outcomes.

3.4.4 Additional Support for Resolution

There may be additional options outside this informal resolution meeting which staff may want to consider that will help them to resolve the grievance including;

- **Facilitated Conversations**

A facilitated conversation provides an opportunity for parties with concerns to explore the issues and find positive ways to address them. A timely and well managed facilitated conversation may offer a breathing space and opportunity to resolve matters without moving to a more formal intervention. The facilitator speaks to each person in advance and agrees the ground rules and boundaries of the conversation. The facilitator keeps confidential what they have heard from each person and the content of the facilitated conversation. The facilitator will help the parties to understand each other's perspective, explore options for moving forward and consider practical solutions.

- **Coaching**

Through coaching, people are able to find their own solutions, develop their own skills and change their own behaviours and attitudes. The process typically lasts for a defined period of time or forms the basis of an on-going management style. Coaching is essentially a non-directive form of development. It is a skilled activity, which should be delivered by people who are trained to do so.

- **Mediation**

Mediation is a tool to resolve workplace disputes or concerns. Mediation seeks to give a speedy solution to individual workplace concerns. The process aims to create a safe, confidential space for those involved to find solutions that are acceptable to each individual. It follows a structured approach and seeks to provide fuller solutions that address underlying causes and are more genuinely win-win than adversarial approaches. A trained mediator's role is to act as an impartial third party who facilitates a meeting between two or more people with concerns to help them reach an agreement. Although the mediator is in charge of the process, any agreement comes from the participants.

Your HR Department will be able to provide further information.

These options enable employees to be supported to resolve their issues without needing to go through a formal process. If the issue isn't satisfactorily resolved and informal options to resolve the grievance have been fully exhausted, employees can at this stage request to go to formal resolution.

3.4.5 Stage 2: Formal Stage

Where it is not possible to resolve a grievance informally through the resolution meeting, an employee may raise a formal grievance.

Employees should raise their formal grievance by completing the Notice of Grievance Form in [Appendix 1](#) and advise their line manager they are raising their grievance formally.

Employees must clearly state the reason for the grievance, who the matter was raised with informally, the outcome of the informal stage and why the employee remains aggrieved.

All supporting documentation including the outcome of the informal resolution meeting must be included. If all relevant information is not received, the grievance will not be progressed and timescales will not take effect until all relevant information is received. Employees must provide an email address for communication.

Once submitted, the appropriateness of the issue will be assessed by Human Resources to determine whether or not the issue is suitable for formal grievance. Human Resources will liaise with the relevant parties to inform this decision.

The Human Resources Department will acknowledge receipt of the grievance in writing and will arrange for a Grievance Panel to hear the grievance, normally within 20 working days from the date it is in receipt of all information or as soon as reasonably practicable. If it is not possible to hold the hearing within 20 working days the employee should be provided with an explanation for the delay by the Human Resources Department.

The decision of the Grievance Panel will normally be conveyed in writing to the employee within 10 working days from the date of the hearing, stating clearly the reasons for the acceptance or rejection of the case. If the Panel is unable to provide a response within the required timescales, the employee should be advised accordingly. This letter will also provide details of how to appeal this decision, should the employee believe the matter has not been resolved.

3.4.6 Stage 3: Appeal Stage

An employee wishing to appeal the Stage 2 decision should submit a Notice of Grievance Appeal ([Appendix 2](#)) to the Director of Human Resources or a duly designated member of the Human Resources Department within 10 working days of being notified of the decision. The Notice will include details of the grounds for the appeal and all relevant documentation.

The Human Resources department will acknowledge receipt of the appeal letter in writing and will arrange for a Grievance Appeal Panel to hear the grievance within 20 working days or as soon as reasonably practicable.

The Director of Human Resources or a duly designated member of the Human Resources department will be responsible for organising an appeal hearing. The panel for the hearing will normally comprise the relevant Director or suitable Senior Management delegate from the directorate and a senior member of the Human Resources department, neither of who should have had previous involvement with the case. In circumstances where the Director has been previously involved in the case, the Human Resources department may seek a senior nomination from another directorate.

Where appropriate, the appeal panel may invite a suitably qualified and experienced senior officer in the same profession as the aggrieved employee(s) from the BSO or outside the BSO to attend the hearing as an assessor. The assessor is there to provide professional advice to the panel as required and has no decision-making role.

The Grievance Appeal panel may invite a management representative and/or other employees associated with the grievance to be present at the hearing, if considered necessary to clarify any points raised.

The decision of the Grievance Appeal Panel will be conveyed in writing to the employee within 10 working days from the date of the hearing, stating clearly the reasons for the acceptance or rejection of the case. The decision of the Grievance Appeal Panel is final.

3.5 Time Limits

It is recognised that due to competing demands on all members and the complexity of the issues raised, the deadlines may not be achievable. If a delay is anticipated, employees will be provided with an explanation for the delay and what is being done to expedite the matter. Updates should be provided regularly to the employee raising the grievance

3.6 Implementing Outcomes

The decision of the grievance panel should be confirmed in writing in accordance with the timescales specified in the procedure. If the decision requires actions to be taken, these should be implemented without any unreasonable delay. If the decision is the final stage of the process this should be made clear to the employee.

After the grievance outcome has been issued, panels may also want to feedback to Human Resources any insights on how the issue(s) could have been resolved at an earlier stage or any potential learning for the parties involved and/or the organisation.

3.7 Documentation

At the formal stages of the procedure, all evidence in support of the grievance must be submitted with the Notice of Grievance and Notice of Grievance Appeal for circulation to all parties involved.

3.8 Overlapping Grievance and Disciplinary Cases

Where a formal grievance is raised during a disciplinary process, the appropriate action regarding progression of these processes will be determined on a case by case basis by the Director of Human Resources or nominee, taking into consideration all relevant factors and the nature of the proceedings. This will be communicated to the employee.

3.9 Status Quo*

The use of status quo provides existing arrangements to continue while attempts are made to resolve the grievance.

Wherever possible, the status quo should remain in place until the grievance process has concluded.

The status quo will be set aside where:

- a continuation of the status quo will result in a breach of statutory or other mandatory regulations,
- the grievance is about a decision taken by management following consultation with the Trade Unions

- it is considered detrimental to health, safety and welfare of patients, staff or members of the public
- where there is a delay or failure of the employee raising the grievance to appropriately engage in the grievance process by resolution of the grievance in a timely manner
- or for some other substantial reason

The decision that the above apply and there is a need to vary the status quo will be made by the Director responsible for the service in conjunction with the Director of HR, whose decision is final. The reasons for not maintaining the status quo will be provided in writing to the employee.

4.0 REVIEW AND SIGN OFF

The operation of this policy will be monitored and reviewed regularly (every 3 years) to ensure its relevance and effectiveness.

The Grievance Policy and Procedure is effective from 1 July 2022.

**The inclusion and application of this Status Quo paragraph will be kept under review. Management reserve the right to amend or withdraw this paragraph from this procedure.*

 Signed on behalf of Trade Union Side



ANNE SPEED

29 June 2022

Signed on behalf of Management Side



VIVIENNE TOAL

1 July 2022

Appendix 1: Notice of Grievance Form

This form is submitted as I wish to raise my grievance formally at Stage 2 of the Grievance Procedure, as my grievance was not resolved at Stage 1 (informal stage).

You are required to complete this form and send it to the next level of management and BSO Human Resources (BSO.ERandAbsence@hscni.net) within 10 working days of receipt of the written outcome of the Informal Grievance procedure (Stage 1).

Full Name:	Staff Number:
Job Title:	Department:
Email:	Contact Number:
Name of Immediate Line Manager:	Contact Number/Email of Immediate Line Manager:
Name of Employee Representative:	Contact Number/Email of Representative:

Note: For collective grievances, on a separate sheet, please list the staff numbers, names, job titles, department, contact details including emails, along with signatures for each individual involved and nominate two lead persons who will be invited to attend the grievance hearing on your behalf.

Please describe the nature of your Formal Grievance

Please provide a description of your concerns, including precise information such as dates of events, meetings or correspondence, whether this is a one-off issue or part of a sequence of events, names of those involved and any reference to relevant documents or policies. You may attach additional sheets if required

Please attach relevant documentation in support of your grievance securely and list below:

-
-
-

Please state the steps you have taken to resolve your concerns and attach copies of relevant documentation

Please provide full details of the informal resolution meeting to include the date of the meeting, with whom the discussion took place, and the outcome of the discussion

Please state your desired outcome and how you believe this will resolve the issue

- I have attached the relevant information in support of my grievance, including the outcome from Stage 1.
- I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of investigating my formal grievance
- I have advised my line manager that I am submitting a formal grievance

Signed:

(Employee raising grievance)

Date:

Manager's Signature:

Date Received:

NB: Please ensure you have attached a copy of the outcome of stage 1 informal resolution meeting.

Please retain a copy of this form and attachments for your records

Appendix 2: Notice of Grievance Appeal Form

You are required to complete this form and send it to the Director of Human Resources or designated contact in your Human Resources Department within 10 working days of receipt of the written outcome of your Formal Grievance (Stage 2).

Full Name:	Staff Number:
Job Title:	Department:
Email:	Contact Number:
Name of Immediate Line Manager:	Contact Number/Email of Immediate Line Manager:
Name of Employee Representative:	Contact Number/Email of Representative:

I am writing to formally appeal against the decision taken on my recent stage 2 formal grievance which was notified to me on [insert date].

Note: For collective grievances, on a separate sheet, please list the staff numbers, names, job titles, department and contact details including emails, along with signatures for each individual wishing to appeal the stage 2 decision. Please nominate two lead persons who will be invited to attend the appeal hearing on your behalf.

My reasons for appeal are as follows:

[Set out the basis for your appeal including any new evidence that you feel should be considered. You may attach additional sheets if required].



Please provide the outcome letter from your stage 2 formal grievance and any other documents or detail relevant to the appeal and list below:

-
-
-

- I have attached the relevant information in support of my grievance appeal including the outcome of my stage 2 formal grievance.
- I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of investigating my formal grievance appeal
- I have advised my line manager that I am submitting a formal appeal against my stage 2 grievance outcome

Signed:

(Employee appealing stage 2 grievance outcome)

Date Submitted:

Manager's Signature:

Date Received:

NB: Please ensure you have attached a copy of the outcome of stage 2 formal grievance.

Please retain a copy of this form and attachments for your records

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