

Northern Ireland Blood Transfusion Service

## POLICY DOCUMENT

## Document Details

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## Document Authorisation

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**This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998.**

**CROSS REFERENCES**

This Policy refers to the following documents:

Doc Type	Doc. No.	Title
Policy	PP:007	Conflict, Bullying and Harassment in the Workplace Policy
Form	DD:2355	Notice of Grievance Form
Form	DD:2356	Notice of Grievance Appeal Form

**Key Change From Previous Revision:**

New Regional Policy based on agreement by Anne Speed (Trade Union Side) and Vivienne Toal (Management Side) 1<sup>st</sup> July 2022.

**1. STATEMENT**

The purpose of this policy is to explain the Northern Ireland Blood Transfusion Service's (NIBTS) 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 NIBTS expects all employees involved in the grievance process to consistently demonstrate the values of [compassion, openness and honesty, working together and excellence](#).

## 2. OVERVIEW

NIBTS 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. NIBTS 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.

Outlined below are some key definitions to be aware throughout the policy:

<b><i>Employee</i></b>	Anyone employed by NIBTS, including those on fixed term contracts and bank workers.
<b><i>Employee Representative</i></b>	Any employee of NIBTS 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 NIBTS employee.
<b><i>Trade Union</i></b>	Nationally recognised NHS negotiating body.
<b><i>Management Representative</i></b>	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.
<b><i>Grievance Panel</i></b>	The persons with the appropriate authority to resolve the grievance.

## 3. RESPONSIBILITY

### **Employee:**

- 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.

### **Manager:**

- Attempt to resolve workplace concerns raised by employees informally, fairly, consistently and within the agreed timescales.
- Retain written records of all meetings with employees under the informal process including outcomes.

**Employee Representative:**

- Work in partnership with NIBTS to support prompt and satisfactory resolution.

**Management Representative:**

- Represent the position of management and where required attend the hearing, or any subsequent meetings at the request of the grievance panel if considered necessary to clarify any points raised.

**Human Resources:**

- Ensure compliance with the policy and employment legislation.
- Ensure employees are fully aware of their roles and responsibilities in relation to this policy.
- Provide support and advice to managers, employees and Trade Union representatives, advising all parties on the grievance process, including providing advice on any options that may facilitate early resolution of employee's workplace grievances.
- Where required be directly involved at any stage of the grievance process and help to maintain consistent and uniform standards throughout NIBTS.

**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, a decision is reached and a written response is provided.

**4. POLICY****4.1 Policy Application**

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

**4.2 Policy Aim**

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 NIBTS 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 Donor Care or Matters of Business Probity / Conduct
- Where there is general interpersonal conflict within the workplace or when an employee believes they have been subject to bullying or harassment this should be dealt with under PP:007 Conflict, Bullying and Harassment in the Workplace 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.

#### 4.3 Policy Principles

- a) All grievances must be dealt with through the informal process in the first instance as outlined in Section 4.6.
- 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 4.4 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 2. Employees will be advised of their right to be accompanied at all formal stages in the procedure.
- g) Legal representation, that is solicitors and/or professional legal counsel, will not be permitted at any stage of this Grievance Procedure.
- h) 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.
- i) 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.
- j) 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 DD:2355 Notice of Grievance Form in full, sharing relevant documents in advance of the Grievance Hearing and attending the Grievance Hearing prepared to present the case with the relevant information available. The Management Representative should also be prepared, when meeting with the Grievance Panel to have all the necessary information available in response to the grievance.
- k) 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.
- 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) Under the Section 75 equality categories, employees who require additional support to help resolve grievances should seek advice from their trade union representative or HR Department.
- n) Reasonable adjustments will be made throughout the grievance procedure to ensure accessibility for employees who fall within the DDA 1995 legislation or, due to their ethnicity need additional support.
- o) In cases where the Chief Executive is the line manager, the employee may raise the grievance with the Chair of the Board or their nominee.

#### **4.4 Meetings / Hearings**

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

#### **4.5 Testing your Perception**

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.

The diagram below 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.

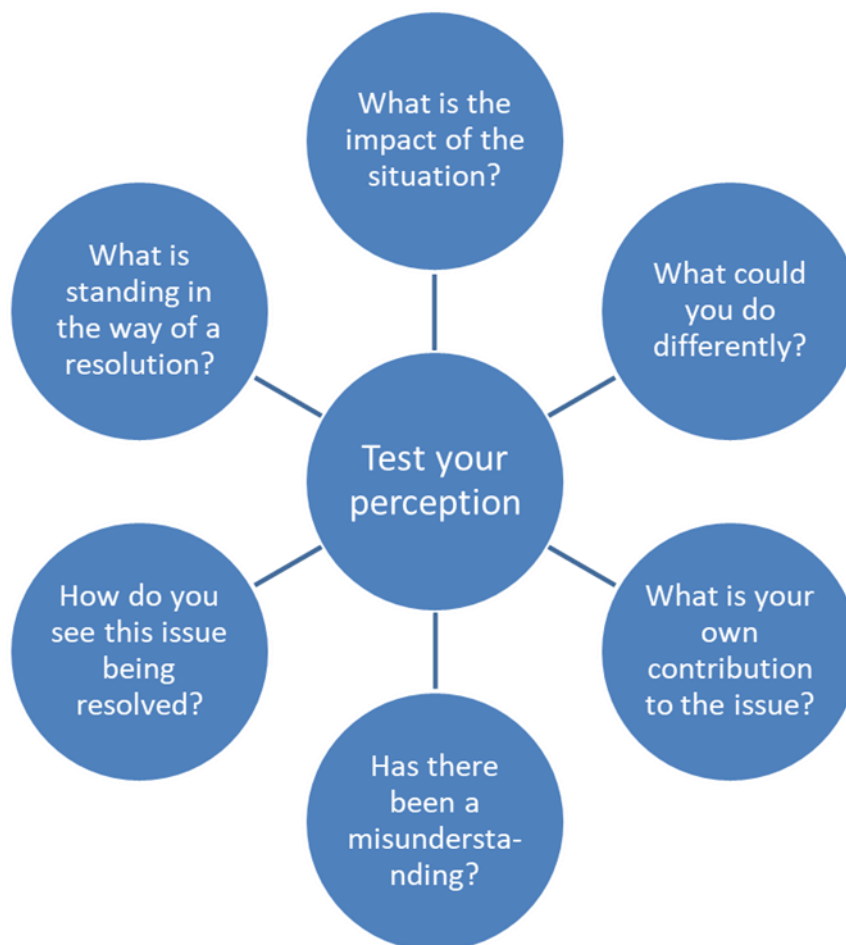
## 4.6 Stage 1 – Informal Stage

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 HR Department by either party.

### 4.6.1 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. Please see section 4.6.2 for further informal resolution support mechanisms.

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.

#### **4.6.2 Informal Resolution - Additional Support**

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

##### **1. 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.

## 2. 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.

## 3. 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.

Further information on the above can be sought from the HR Department.

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.

### **4.7 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 DD:2355 Notice of Grievance Form 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 to the HR Department, the appropriateness of the issue will be assessed by HR to determine whether or not the issue is suitable for formal grievance. HR will liaise with the relevant parties to inform this decision.

The HR 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 HR 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.

#### **4.8 Stage 3 – Appeal Stage**

An employee wishing to appeal the Stage 2 decision should submit DD:2356 Notice of Grievance Appeal to the Head of HR & Corporate Services or a duly designated member of the HR 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 HR 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 Head of HR & Corporate Services or a duly designated member of the HR Department will be responsible for organising an appeal hearing. The panel for the hearing will normally comprise the relevant Senior Manager of the department and a senior member of the HR Department, neither of who should have had previous involvement with the case. In circumstances where the Senior Manager of the department has been previously involved in the case, the HR Department may seek a senior nomination from another department.

Where appropriate, the Grievance Appeal Panel may invite a suitably qualified and experienced senior officer in the same profession as the aggrieved employee(s) from NIBTS or outside NIBTS 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.

#### **4.9 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.

#### **4.10 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 the HR Department 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.

#### **4.11 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 Head of HR & Corporate Services or nominee, taking into consideration all relevant factors and the nature of the proceedings. This will be communicated to the employee.

#### **4.12 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 donors, employees 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 that there is a need to vary the status quo will be made by the Senior Manager responsible for the department in conjunction with the Head of HR & Corporate Services, whose decision is final. The reasons for not maintaining the status quo will be provided in writing to the employee.

## **5. EQUALITY SCREENING OUTCOME**

This policy has been drawn up and reviewed in light of the statutory obligations contained within Section 75 of the Northern Ireland Act (1998). In line with the statutory duty of equality this policy has been screened against particular criteria. If at any stage of the life of the policy there are any issues within the policy which are perceived by any party as creating adverse impacts on any of the groups under Section 75 that party should bring these to the attention of the Head of HR & Corporate Services

The Northern Ireland Blood Transfusion Service is committed to the promotion of equality of opportunity for employees, donors and service users. We strive to ensure that everyone is treated fairly and that their rights are respected at all times. We believe that it is important that our policy is understood by all those whose literacy is limited, those who do not speak English as a first language or those who face communication barriers because of a disability. On request it may be possible to make this policy available in alternative formats such as large print, Braille, disk, audio file, audio cassette, Easy Read or in minority languages to meet the needs of those not fluent in English.

## **6. TRAINING REQUIREMENTS**

All employees are required to make themselves familiar with this policy.