

Grievance Procedure

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1. Introduction

This grievance procedure aims to set out the steps that we will take to resolve a Caregiver's grievance, informally where possible and via a formal process where informal resolution is not possible.

This procedure may also be used when two or more Caregivers wish to raise a collective grievance under one process and where no collective bargaining agreement is in place that provides for collective grievances.

2. Purpose/Objectives of this Policy or Procedure

The purpose of the procedure is to provide a framework for the Hospital to deal with grievances consistently and promptly (in accordance with the ACAS Code of Practice on disciplinary and grievance procedures).

3. Policy Statement:

The Hospital acknowledges that during their employment some Caregivers may have concerns, problems or complaints which need addressing. These are known as grievances. If such grievances cannot be resolved informally, then the formal procedure, set out below, must be followed.

We foster a culture in which you can raise any workplace problems, complaints or concerns in a supportive framework, and we will ensure that all genuine grievances are dealt with quickly and fairly.

Most grievances can be resolved informally. However, if an informal approach does not resolve matters, or is not appropriate, you may choose to raise a formal grievance.

This policy outlines the grievance process, the roles of those involved and support that is available to you.

This procedure does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

Holy Cross Hospital aims to follow the ACAS Code of Practice on disciplinary and grievance procedures when handling these issues at work

4. Scope

This policy applies to all Caregivers and bank staff. It does not apply to volunteers, contractors, consultants or any self-employed individuals working for the organisation.

If your complaint relates to victimisation or harassment, you should raise it under our separate victimisation and harassment procedure.

If you have a grievance that relates to ongoing disciplinary proceedings against you, you should raise this during the disciplinary procedure (for example during the disciplinary meeting or appeal stage).

If you raise a grievance during disciplinary proceedings that is unrelated to those proceedings, the disciplinary proceedings and grievance procedure will normally run independently in parallel.

Mediation

Depending on the nature of your grievance, we may suggest mediation as a means of trying to resolve it. This involves the appointment of an internal or third-party mediator, who will discuss your grievance with all of those involved and seek to facilitate a resolution. We will use mediation only where you, and the other parties involved in your grievance, agree to do so.

Fairness and respect

We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.

We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our disciplinary procedure.

Remote proceedings

Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. We will ensure that all those participating have access to the necessary technology. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

Adjustments to proceedings

If any aspect of the grievance procedure causes you difficulty because of a disability, or if you need assistance because English is not your first language, you should raise this with HR, who will make appropriate arrangements for you.

Recording of meetings

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person (such as HR) arranged by us to take notes.

You, or any person acting with you or on your behalf, are not normally permitted to record electronically any meeting that we hold under the grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

In certain circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability, or to facilitate note-taking. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings, we will comply with our data protection obligations and obtain prior consent from all attendees.

5. Responsibilities

- Line Managers should deal with all Caregiver concerns and informal grievances promptly and consistently, seeking advice from HR where appropriate
- Caregivers should raise issues promptly and engage in a constructive manner with the process including attending any scheduled meetings
- Investigation officers should act impartially, ensuring that investigations are carried out in accordance with internal guidelines, advice from HR and the ACAS Guide to conducting investigations at work [Acas guide to conducting workplace investigations | Acas](#) in order to establish the facts of the case,.
- Managers holding grievance hearing should not unreasonably delay meetings, decisions or confirmation of those decisions and give Caregivers the opportunity to put their case before any decisions are made.
- HR Managers should ensure that Caregivers are kept updated about each stage of the procedure and their rights, for example, when they can be accompanied and their rights to appeal. They should provide expertise and guidance to managers involved in informal or formal grievance proceedings.
- Members of the Leadership Team should ensure that any recommendations made by investigation officers are considered and implemented as appropriate. They should monitor trends and report to trustees/Advisory Committee as appropriate.

6. Definitions

Grievance - A grievance at work is where an issue, concern or problem is raised by an employee with their employer. It can refer to any situation that an employee is unhappy with at work, and which they have made known to their employer by way of an informal or formal complaint. Grievances at work can arise over all sorts of issues, from the contractual terms and conditions under which an employee is required to work, to how they are being treated at work by either their employer and/or their work colleagues.

Bullying - there is no legal definition it can be described as unwanted behaviour from a person or group that is either: offensive, intimidating, malicious or insulting. an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Harassment - In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Victimisation The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'.

7. Policy or Procedure Implementation

Raising an informal grievance

In the first instance, you should raise any grievance that you may have informally with your line manager. If your grievance is about your line manager, you should raise this with their manager or speak to HR for guidance.

The relevant manager will meet with you to give you the opportunity to explain your grievance and seek to identify whether the issue can be resolved informally, many grievances can be resolved through mediation (see mediation section above).

However, while we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate, for example if your grievance relates to a serious issue such as discrimination. Therefore, if the informal process does not resolve matters or is not appropriate, you should raise a formal grievance under this procedure.

Raising a formal grievance

Where your grievance has not been resolved informally, or if your grievance is serious in nature, you should raise the matter formally in writing.

It is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking. If your grievance is unclear, we may ask you to clarify your complaint before we hold a grievance meeting.

Your complaint should be headed "Formal grievance" and sent to the Human Resources Manager, completing and attaching a completed 'Form to Raise a Formal Grievance' (**Appendix 2**).

Stage 1 - Investigation

Your grievance will be kept confidential as far as possible.

However, before proceeding to a grievance meeting, we may have to carry out an investigation. HR will appoint a manager as an investigation officer. The relevant manager will write to you confirming that they are conducting the investigation and the timescale for completion.

The level of investigation and time this will take will vary depending on the nature of your grievance.

You will be given a copy of any evidence collated during the investigation in advance of the grievance meeting. However, in some cases, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, we will provide you with an appropriate summary of the evidence.

Stage 2 - Hearing your grievance

The grievance meeting

The grievance meeting will be held within 7 days of receiving your written complaint. However, if this is not possible, you will be informed of the reason for any delay.

You will be entitled to be accompanied by a fellow employee or a trade union official.

The grievance meeting will be conducted by your line manager, unless your grievance relates to your line manager in which case it will be conducted by a more senior manager. A member of the HR department will be present to take notes and advise on process.

The purpose of the meeting is for you to explain the nature of your complaint and what action you feel should be taken to resolve the matter. The investigation officer will also share the findings of any investigations and ask any further questions. If more information comes to light, it may be necessary to adjourn the grievance meeting to conduct a further investigation and reconvene the meeting when this has been done.

If you or your companion are unable to attend the grievance meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible and we will reschedule. However, if you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend any of the initial or rescheduled meetings, then the grievance meeting may take place in your absence, based on your written grievance statement and any other documentation available, including the investigation report.

The outcome

Following the meeting, the relevant manager will inform you in writing, usually within 7 days after the meeting, of the outcome and any action that will be taken as a result of your complaint.

Stage 3 - Appeal

Appealing against the outcome

If you are not satisfied with the outcome of your grievance, you may submit a formal appeal. The outcome letter will specify to whom you should send your appeal to and by when (normally within one week).

Your letter should clearly state the grounds of your appeal, ie the basis on which you consider that your grievance has not been satisfactorily resolved.

Appeal meeting

We will then arrange an appeal meeting within one week to consider the matter. However, if this is not possible, you will be informed of the reason for any delay.

You are entitled to be accompanied by a fellow employee or a trade union official.

The appeal meeting will be conducted by a more senior manager than the manager who conducted the original grievance meeting, who will consider your grounds for appeal and review the conclusion reached in the original grievance meeting. Again, a member of the HR department will also be present.

If you or your companion are unable to attend the appeal meeting because of circumstances beyond your control, you should inform the manager conducting the meeting as soon as possible and we will reschedule. However, if you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend any of the initial or rescheduled meetings, then the appeal meeting may take place in your absence, based on your written grievance statement, appeal statement and any other documentation available.

Outcome of appeal

Following the appeal meeting, the relevant manager will inform you in writing, usually within one week of the outcome. The outcome of the appeal is final.

Collective grievances

If you and other employee(s) have identical grievances and you all wish to have it addressed in one grievance process, you can raise a collective grievance. Please see **Appendix 3**

Data protection

We process personal data collected during informal complaints and the formal grievance procedure in accordance with our Information Governance Policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. You should immediately report any inappropriate access or disclosure of employee data in accordance with our data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

8. Regulatory Requirements/ References

ACAS Code of Practice on disciplinary and grievance procedures [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)

ACAS Guide to Discipline and grievances at Work [Acas guide to discipline and grievances at work | Acas](#)

ACAS Guide to conducting investigations at work [Acas guide to conducting workplace investigations | Acas](#)

9. Evaluation Measures

The policy will be reviewed every three years to ensure that the system described continues to provide an effective framework for grievance.

Records will be kept of the outcomes of formal grievances and anonymised data will be reported to the Leadership Team and Trustees/Advisory Committee on a regular basis.

Trends will be evaluated by the Leadership Team to identify any root causes so any appropriate measures can be introduced, e.g. line manager training.

10. Related Documents

Anti-Harassment and Victimisation Policy

Disciplinary Policy

Whistleblowing Policy

Information Governance Policy

ACAS Code of Practice on disciplinary and grievance procedures [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)

ACAS Guide to Discipline and grievances at Work [Acas guide to discipline and grievances at work | Acas](#)

ACAS Guide to conducting investigations at work [Acas guide to conducting workplace investigations | Acas](#)

11. Appendices

Appendix 1 – Equality Impact Assessment (EIA) Tool

Policy Title	Grievance Procedure
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		Yes/No	Comments
	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race	No	
	Gender reassignment	No	
	Marriage & civil partnership	No	
	Pregnancy & maternity	No	
	Ethnic origins (including gypsies and travelers)	No	
	Nationality	No	
	Sex	No	
	Culture	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Disability- both mental and physical impairments	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	Is the impact of the policy/guidance likely to be negative?	No	
4.	If so can the impact be avoided?	n/a	
5.	What alternatives are there to achieving the policy/guidance without the impact?	n/a	

6.	Can we reduce the impact by taking different action?	n/a	
7.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	n/a	

Appendix 2 – Form for Raising a Formal Grievance

Caregiver grievance	
<p>This form is intended for use by any Caregiver who wants to make a formal complaint about the behaviour of a colleague, their manager or a third party, or any other workplace issue.</p> <p>Caregivers should bear in mind before using this form that they can request that a matter be dealt with in an informal manner by a manager. Where the caregiver requests that the complaint be dealt with informally, the line manager (or appropriate person as determined by the HR department) will discuss the matter with the caregiver, with a view to resolving the matter without recourse to a formal procedure.</p> <p>Where the caregiver requests that the complaint be dealt with formally, this form should be completed, and the Hospital's grievance procedure will be invoked.</p> <p>In certain circumstances, Caregivers can request that their complaint be kept anonymous. Where possible, we will respect a caregiver's request for anonymity but cannot guarantee that it will be able to do so.</p> <p>This form should be delivered to the HR Manager or, in their absence, the Deputy HRM, in an envelope marked "confidential" or sent as an email marked as "confidential" and with "confidential" in the subject line.</p> <p>We treat personal data collected during the grievance procedure in accordance with our Information Governance Policy.</p>	
Formal grievance	
Caregiver's name:	
Caregiver's job title:	
Caregiver's department:	

Date:	
Does your grievance relate to your line manager?	Yes/No
Summary of complaint:	
Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.	
Individuals involved in the alleged incident/complaint:	
Please provide the names and contact details of any people involved in your complaint, including witnesses.	
Outcome requested:	
Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.	
Declaration:	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
Form completed by:	

Signature:	
For completion by HR Manager/Deputy HRM of Holy Cross Hospital:	
Date form received by HRM/Deputy HRM:	
Name of recipient and job role:	
Signature:	

Appendix 3

Collective grievances

If you and other employee(s) have identical grievances and you all wish to have it addressed in one grievance process, you can raise a collective grievance. Please see **Appendix 3**

If you are raising a collective grievance, the requirements set out in this policy are varied as follows.

Raising a formal grievance

Your written complaint should be headed "Formal collective grievance". Your complaint must be submitted in one document and must clearly identify and be signed by each employee raising the collective grievance. You and your colleagues will need to nominate one of you to act on behalf of all of you throughout the grievance process. Your grievance letter must identify whom you have appointed to be the nominated representative.

If you and your colleagues are all members of the same trade union, your trade union representative may raise the collective grievance on your behalf.

Stage 2 - Hearing your grievance

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance meeting. You will be entitled to be accompanied by a fellow employee or a trade union official. Following the meeting, there will be one identical outcome. Your nominated representative will be notified of the outcome in writing and any action that will be taken because of your collective complaint.

Stage 3 - Appeal

If you, or any of your colleagues, are not satisfied with the outcome of your collective grievance, you may submit a formal appeal. You should appeal in writing within 7 days of receipt of the collective grievance outcome letter.

Your appeal should be headed "Formal collective appeal". Your appeal must be submitted in one document and must clearly identify those withdrawing from the process and signed by those wishing to appeal. Your appeal letter must also identify whom you have appointed to be the nominated representative throughout the appeal stage.

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance appeal meeting. You will be entitled to be accompanied by a fellow employee or a trade union official. Following the appeal meeting, there will be one identical outcome. Your nominated representative will be notified of the outcome in writing. The outcome of the collective appeal is final.

If only one employee wishes to appeal, the normal grievance procedure will apply to the appeal.

Dealing with a collective grievance individually

We reserve the right to hear your grievances individually if you do not all voluntarily agree to the collective grievance process, if your grievances are not identical, or there are exceptional circumstances.