Title of Policy:	**Employee Grievances**
Section:	**Human Resources**

Purpose

Employees must have a means with which to formally raise matters which they feel are wrong, inappropriate, unfair, or unjust, and to have these matters aired in a professional manner. This policy outlines how Carers Choices wishes to raise such matters and how they will be handled.

Statement

"Employers and employees should always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible employers and employees should consider using an independent third party to help resolve the problem. The third party need not come from outside the organisation but could be an internal mediator, so long as they are not involved in the disciplinary or grievance issue. In some cases, an external mediator might be appropriate.

Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally".

Code of Practice on Disciplinary and Grievance Procedures

Carers Choices will deal with grievance issues promptly, in line with best practice and in accordance with this code.

Procedure and Guidance

The Employee's duty to let Carers Choices know of the grievance

Employees may have a work-related grievance from time to time, and in many cases, as with disciplinary issues, the problem can successfully be managed informally, through discussion. The informal approach is always the best initial course of action. On occasion, however, the grievance may be more serious, and may be better handled through a formal procedure where the issues can be properly explored. In such cases, the employee should explain the nature of their grievance in writing and submit this to an appropriate member of the management/supervisory team, usually their line manager. If the employee's line manager is the subject of the grievance, then the letter should be given, if possible, to someone else who is capable and competent to deal with the grievance. It has to be acknowledged that in some smaller organisations, this may not be possible.

Formal meeting

Carers Choices will arrange a formal meeting (ideally in private), preferably within 5 working days of receipt of the formal written grievance to discuss the matter. Participants will include:

1. A Manager/Supervisor appointed to hear the grievance.
2. The employee
3. Someone able to take notes and act as a witness as to what was said.
4. A companion for the employee (if requested by the employee: it is not obligatory)

Employees have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by Carers Choices to the employee.

So, this would apply where the complaint is, for example, that the employer is not honouring the employee's contract, or is in breach of legislation. Being accompanied may prove particularly useful if the employee concerned has some difficulties in expressing herself/himself through language or other difficulties, for example.

The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union, and it is good practice to advise Carers Choices of the name of the companion, and their status, if they wish to

be accompanied. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany the employee. Employees may also alter their choice of companion if they wish. As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. For instance, an employee may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

If the chosen companion will not be available at the time proposed for the hearing Carers Choices will postpone the hearing to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

The companion will be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

Employees will be encouraged to explain their grievance and how they think it should be resolved. Consideration will be given to adjourning the meeting for any investigation that may be necessary. The essence of the meeting will be promoting discussion and dialogue, and every attempt will be made to avoid any unnecessary confrontation or hostility.

Deciding on appropriate action

If it is clear that the matter can be resolved amicably, and to the satisfaction of both sides, at the conclusion of the meeting, then such action will be taken. However, a degree of reflection may be necessary, (or time needed to check facts arising from the meeting) and Carers Choices will explain the likely period to the employee, and when they might receive Carers Choices' written response. Carers Choices' response will include a notification that the employee may appeal if they are not happy with what is being proposed. If the response is that the employee's grievance is not upheld, then the reasons will be carefully explained in the letter.

Handling an Appeal

If an employee is not content that the matter has been satisfactorily resolved, and she/he wishes to appeal, then they should communicate this to Carers Choices, as soon as possible, stating the grounds for their appeal. Appeals will be heard without unreasonable delay and at a time and place which will be notified to the employee in advance. As far as reasonably practicable the appeal will be conducted by a Manager/Supervisor more senior than the one who conducted and decided upon the original hearing. If such a person does not exist, then Carers Choices will consider the possibility of the appeal being handled by a different Manager/Supervisor. It is recognised that in the smallest of organisations this reasonable step may not be available. The right to be accompanied remains, as with the original hearing, and the employee may choose an alternative companion if he/she so chooses.

Written Records

Carers Choices will retain written records of all formal grievance cases and hearings. The records will include:

- The nature of the grievance
- findings made and actions taken
- the reason for actions taken
- whether an appeal was lodged
- the outcome of the appeal
- subsequent developments
- notes of any formal meetings

Records will be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998.

Mediation

An independent third party or mediator can sometimes help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement.

Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Mediators may be employees trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider. They can work individually or in pairs as co-mediators.

If, in the judgement of Carers Choices, mediation might usefully be employed in order to reach a satisfactory outcome, then its use may be recommended.

CQC Registration and Inspection Compliance

Key Questions and Quality Statements applicable to this Policy	Care Quality Commission (Registration) Regulations 2009 applicable to this Policy
Well-Led • Governance, management and sustainability • Learning, improvement and innovation	

Legislative Compliance

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 applicable to this Policy	Other legislation relevant to this Policy
Regulation 17: Good governance Regulation 18: Staffing	Data Protection Act 2018

Policy Reviewed on Date of Implementation by the Following Company Officer:

Full name:

Paul Ramsden

Job Title:

CEO

Signature:

P. Ramsden