

 Kingston GP Chambers Kingston Training Hub Clinical Services Practice Support Services Kingston Education Centre	Grievance Procedure		Reviewed	Feb 2023
			Revised	March 2021
	Adopted	August 2014	Next review	March 2025

Grievance Procedure

Introduction

The purpose of this policy is to provide employees with a readily accessible procedure for addressing any problems or concerns they may have at work. This procedure should not replace normal employee–manager dialogue. However, where such informal dialogue has failed to resolve an issue of concern, then an employee may utilise this procedure in an effort to have an issue resolved to his/her satisfaction.

It is accepted that when people work together there will inevitably be situations where misunderstandings, problems or concerns need to be resolved. It is the policy of KGPC that a culture of good communication, openness and a willingness to co-operate and listen will exist. Therefore, it is envisaged that the majority of these issues or misunderstandings will be capable of being addressed informally in an efficient and effective manner. However, where such issues are unresolved, they may become grievances. Employees are encouraged to seek resolution of an issue by utilising this procedure.

General Principals

At each grievance meeting held under the formal procedure, the employee has a right to be accompanied by a colleague or a trade union official.

The grievance procedure should not be used to lodge appeals against disciplinary sanctions. The Company’s disciplinary procedure contains sufficient mechanism for dealing with an employee’s dissatisfaction at a disciplinary sanction applied to them.

The Company reserves the right to engage external third-party assistance at any stage of the grievance process. In addition, a representative from the Company’s HR department will be present at all formal grievance hearings.

This procedure does not constitute contractual terms and conditions. The Company reserves the right to amend any provision of this procedure subsequent to appropriate consultation.

Raising a formal grievance

An employee wishing to invoke the Grievance Procedure should provide written notification of their grievance to the Recruitment and Retention Manger.

The Grievance will be heard by an appropriate staff member(s) who has/have not been involved in any informal procedures in relation to the case.

The Grievance Hearing will take place within 21 days of receipt of the written notification of the grievance.

Procedure for investigating a formal grievance

In the context of the process set out below, "Complainant" refers to the employee raising the grievance; "Respondent" and/or "Perpetrator" refers to the person against whom the complaint is brought. The term "parties" refers to the complainant and the person against whom the complaint is brought.

A thorough investigation must be undertaken with care and sensitivity. The Recruitment and Retention Manager will allocate an appropriate manager or member of the HR team to support the complainant and a separate team member to support the alleged perpetrator.

Investigations into grievances should be as thorough and impartial as possible.

KGPC must protect the rights of both the alleged perpetrator as well as the complainant and, therefore, confidentiality is crucial.

A confidential counselling service can be made available to both parties if required.

Evidence gathering

The investigation should begin with a thorough confidential interview with the complainant to ascertain the following facts:

- Who was involved?
- Were there witnesses?
- When and where did the incident(s) occur?
- An indication of what the complainant wants to happen as a consequence of reporting the incident.

The manager assigned to undertake the investigation will:

- Explain the procedure in full to the complainant, and follow that procedure to the letter.
- Inform the alleged perpetrator of the allegations being made against them, and explain the investigation process.
- Gather written statements from both parties and any witnesses in a consistent manner.
- Interview the complainant and alleged perpetrator. This will be done confidentially and a record will be kept.

Making a judgement

Following the initial interviews, where it is clear that the allegations are founded (e.g.,) where the alleged perpetrator admits to the behaviour being alleged), the responsible manager should take prompt action to ensure that the behaviour in question does not re-occur by monitoring the ongoing relationship between both employees after the incident. Where it is considered necessary to take disciplinary action against the perpetrator, this will be carried-out promptly, in line with the Disciplinary Procedure and in consultation with the Recruitment and Retention Manager.

If, after conducting the investigation, it is still unclear as to who to believe and there is a conflict of evidence, a further detailed investigation should be undertaken.

The investigating manager should at this stage interview any witnesses and gather any other supporting evidence from both parties. Having gathered all available evidence, the investigating manager should make a judgement on whether to uphold the complaint; the required balance of evidence is such that the manager only has to have a “reasonable belief” based on their thorough investigation.

A summary of the investigation undertaken, the evidence relied upon in order to come to a judgement, and the judgement made, should be written by the investigating manager and submitted to the Recruitment and Retention Manager. This may form part of the evidence for any subsequent disciplinary action.

Once a judgement has been made, the investigating manager must write to both parties, setting out their judgement.

Where appropriate, the Disciplinary Procedure will subsequently be followed.

Appeal Stage

Failing resolution/satisfaction at the hearing, the employee raising the grievance should write to the Recruitment and Retention Manager within 10 working days of being informed of the outcome of the hearing, requesting a

final appeal stage hearing. The Recruitment and Retention Manager will then arrange for to hear the grievance appeal.

The employee will be required to set out their case and why they are appealing.

The staff member(s) who heard the first stage hearing will be required to appear at the appeal hearing to confirm reasons for their judgement(s).

The decision of the Chief Operating Officer (COO) at appeal hearing will be final and there will be no further provision for appeal.

Simultaneous grievance and disciplinary matters

KGPC will make a decision on how to progress matters when an employee raises a grievance about a disciplinary procedure involving them. ACAS guidance suggests that disciplinary hearings may be suspended for a short duration while the grievance is investigated. The Company will assess the exact nature of the grievance and will have the final say over suspension of a disciplinary procedure.

Protection against detriment

Nothing in this procedure is intended to prevent the employee from raising any concerns they have. Employees who raise concerns under this procedure will not be subject to any detrimental or less favourable treatment as a result of doing so.

Where the grievance is made with malicious intent, the employee will be subject to the Company's disciplinary procedure.