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Coleg Nyrsio Brenhinol
Cymru
Royal College of Nursing
Wales



Model Grievance Policy and Procedures

For the Social Care Sector in Wales

Developed by the Social Care Workforce Partnership, this model policy is intended for social care providers to adopt and adapt for use within their own organisations.

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Policy Statement

[Name of employer] recognises that all staff should be treated fairly and with respect and aims to provide a supportive framework in which staff are able to raise any workplace problems, complaints or concerns.

If you feel you have been treated unfairly you should discuss this with your line manager who will attempt to resolve the issue informally.

If informal attempts to resolve the matter do not work, it may be appropriate for you to raise a formal grievance under this policy. A grievance may be brought by either a single individual or a group of people.

The purpose of this grievance policy is to provide a formal mechanism to address such issues and bring about a satisfactory resolution in a fair and prompt manner.

Where a grievance and disciplinary case(s) are related, it may be necessary to deal with both concurrently. However, if appropriate, a disciplinary procedure may be temporarily suspended in order to deal with the grievance lodged.

All new members of staff will be made aware of this policy and how it operates as part of their induction. However, if you are unsure of how to proceed, advice can be sought from your line manager, Human Resources or from a trade union representative.

It should be noted that issues which are the subject of collective negotiation or consultation between **[Name of employer]** and a recognised Trade Union will not be considered under the grievance policy unless it relates to a failure to engage in collective negotiation or consultation.

Compliance with ACAS Code of Practice

The grievance procedure used by **[name of employer]** follows the ACAS Code of Practice on Disciplinary and Grievance Procedures (updated March 2015). The code is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992. Should you wish to view this document it can be downloaded from www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures.

The ACAS Code of Practice defines a grievance as “*concerns, problems or complaints that workers raise with their employers.*” [The ACAS guidance](#) accompanying the Code goes on to state that issues “*that may cause grievances include:*”

- *terms and conditions of employment;*
- *health and safety;*
- *work relations;*
- *bullying and harassment;*
- *new working practices;*
- *working environment;*
- *organisational change;*
- *discrimination.*

However, there are certain issues that will **not** be considered under this grievance procedure. These are:

- Any complaints that are considered minor. Employees should make every effort to resolve these issues informally.
- Cases that are vexatious. For example, a member of staff raises a grievance with their employer every few weeks. Each grievance is regarded as a relatively minor complaint that the employer has already provided reasonable resolution. It is clear that the worker is raising numerous grievances to inconvenience the employer.
- Cases that should be addressed by the disciplinary procedure.
- Complaints relating to re-grading/promotions (these may be dealt with under the appeals procedure).

Policy Scope

This policy applies to all staff who are employed at **[name of employer]** including part-time and temporary workers, regardless of hours worked or length of service.

The term 'worker' used throughout the policy refers to all staff employed by **[name of employer]**. It therefore applies to those considered to be a worker or an employee of **[name of employer]**.

Policy Principles

This policy provides a formal mechanism to address a grievance raised and aims to bring about a satisfactory resolution in a fair, consistent, transparent, thorough, and prompt manner.

It is intended that both **[name of employer]** and its staff should view the use of this policy and procedure in a constructive light.

The procedure set out within the policy is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage and to settle the issue amicably.

The principles that **[name of employer]** will work to in the application of this policy and procedure are:

- **Fairness** – This procedure sets out how to treat all staff fairly, consistently, impartially, promptly, reasonably and will be applied without discrimination. Workers will be heard in good faith and there will be no pre-judgement of the issue.
- **Investigation** – No action will be taken until it has been thoroughly investigated.
- **Representation** – The worker at all stages in this procedure will have the right to be represented and accompanied by their trade union representative, full-time union official or work colleague. The worker(s) chosen companion will be allowed to address the meeting in order to:
 - put the worker's case forward.
 - sum up the worker's case.
 - respond on the worker's behalf to any view expressed at the hearing.
 - confer with the worker during the meeting.
- **Confidentiality** – All documentation and records relating to this procedure including notes of meetings will be treated as confidential, stored securely and only accessed by those individuals essential for dealing with the case. They will be kept no longer than necessary and in accordance

with **[name of employer]**'s data protection policy which can be found **[provide link]**. Any breach of confidence may be treated as a disciplinary case of misconduct.

- **Openness** - Copies of meeting records will be made available to the worker including copies of any formal minutes that may have been taken.
- **Right to appeal** – At all formal stages of this policy the worker has the right to appeal. Any appeal will be heard in an appeal meeting by a senior manager(s) who has had no previous involvement with the case.
- **Recordings** – Audio/ visual recordings of the proceedings by the worker or their companion or by **[name of employer]** are not acceptable at any stage of this procedure, unless agreed by all parties.
- **Equality and Diversity** – This procedure will be applied without discrimination. If someone has an existing mental or physical health impairment which they have previously disclosed, **[name of employer]** will make reasonable adjustments to the process as necessary.
- **Status Quo** - The status quo aims to provide a stable environment for both the employee and **[name of employer]** during the grievance process. The general principle is to maintain the existing working conditions and practices that were in place before the issue arose, until the grievance is resolved. However, there are exceptions where the status quo may be altered, such as when continuation would breach regulations or if all parties agree to a change.

Responsibilities of Managers

Managers should ensure that all workers are aware of this policy and procedure, and understand their own and **[name of employer]**'s responsibilities.

Managers must respond promptly and within the timescales required as part of this grievance procedure.

Managers will be given training on how to operate this procedure fairly, effectively and consistently and in line with its principles.

Responsibilities of Workers

All workers should actively participate in this grievance procedure and co-operate with others in ways that help to resolve issues.

Trade Union Involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this procedure.

Trade Union representatives will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

Grievance Procedure

[Name of employer] will keep a written record of all grievance cases dealt with. These records will include:

- the nature of the grievance;
- what was decided and actions taken;
- the reason for the actions;
- whether an appeal was lodged;
- the outcome of the appeal; and
- any subsequent developments.

Step 1 - Informal Resolution

If staff feel they have been treated unfairly, they should discuss this with their line manager in the first instance who will attempt to resolve the issue informally.

In some cases, this may also involve assistance such as mediation to facilitate a resolution. Good mediation is a voluntary, confidential, and structured process where a neutral third party (the mediator) helps disputing parties reach a mutually agreeable solution. It focuses on open communication, active listening, and finding common ground. Success in mediation hinges on the parties' willingness to participate, their ability to communicate effectively, and the mediator's skill in guiding the process towards a resolution. **[Name of employer]** will use mediation only where all parties involved in the grievance agree to do so. **[Name of employer]** will look to ACAS for any mediation service, unless it determines that another person/organisation is more suitable.

Where the nature of the grievance makes it problematic for the worker(s) to raise the issue with their line manager, staff will be allowed to seek an informal resolution by contacting ***[insert specific role and contact details where possible]***.

If the worker(s) wishes to be accompanied by a trade union representative, full-time union official or work colleague, this will not be unreasonably refused except in circumstances where this may result in an unreasonably long delay.

If the problem is serious in nature and an informal approach is not appropriate, or if informal attempts to resolve the issue do not work, a worker may raise a formal grievance under this procedure.

Step 2 - Formal Grievance Procedure

A formal grievance should be raised without unreasonable delay, normally within three months of the incident (or final incident) which gives rise to the complaint.

The worker(s) must set out in writing the nature of the grievance, clearly stating the basis of the complaint, for example:

- what the grievance is about;
- relevant facts, dates, names etc. including any evidence; and
- the outcome that they are seeking.

In the case of a collective grievance, the grievance must state the names of all staff who are joined in the grievance.

The grievance should then be submitted to the worker(s) line manager. If the grievance concerns the workers line manager, then the grievance should be submitted to **[insert specific role and contact details where possible]** who will allocate the hearing of the grievance to another manager.

Whoever deals with the grievance at this stage, will be excluded from hearing the case at any appeal stage.

The grievance should be acknowledged within 5 working days. While five days is the ideal, it is understood that sometimes a delay is unavoidable. In the event of a delay, which may extend beyond 5 days, **[Name of employer]** will explain the reason(s) for the delay to the employee.

Invitation to a Grievance Hearing

Once the written grievance has been submitted, and accepted as falling within the ACAS definition of a grievance, an invitation will be sent to the worker to attend a meeting to discuss the matter.

Where it is a collective grievance, all correspondence will be sent to the nominated worker representing the group and their trade union representative.

Without unavoidable delay, the worker should be given a notification letter:

- giving at least five working days' notice of the meeting date, time and venue;
- explaining that the grievance meeting will be conducted under this procedure;
- providing details of the individual or composition of any panel who will hear the grievance;
- stating the worker's right to be accompanied by a trade union representative, full-time union official or work colleague.

In the event of a panel hearing the case, the composition of the panel will be adjusted according to the nature of the grievance and who it is directed against.

It is the worker's responsibility to advise the person hearing the grievance (Hearing Officer) or Chair of Grievance Panel (Chair) of the name, address, job role and any special requirements of the accompanying person at least two working days before the hearing.

[Name of employer] will make provision for any reasonable adjustments to accommodate the needs of a disabled worker and/or their companion.

The names of any witnesses being called by the worker must be made available to **[name of employer]** no later than two working days prior to the meeting. It is the responsibility of the worker to organise their own witnesses and ensure they are aware of the date, time and venue of the grievance hearing, and to inform **[name of employer]** of any access requirements needed.

All parties will provide to **[name of employer]** any paperwork they wish to have considered at the grievance hearing no later than two working days prior to the meeting.

The worker should take all reasonable steps to attend the meeting on the date/time stated in the employer's letter. However, the meeting will be rescheduled to another time if their companion is not available at the chosen time. In these cases, the worker must propose another date within five working days of the original meeting date.

Where a worker fails to attend or remain throughout a scheduled meeting through circumstances beyond their control, the meeting or the continuation of the meeting will be arranged for another time, within five working days.

If the worker fails to attend a rearranged meeting without a good reason, a decision will be taken in their absence based on the evidence provided.

Grievance Hearing

The worker and their representative, if appropriate, will be invited to a meeting to discuss the grievance.

The person hearing the grievance (Hearing Officer) or Chair of the Grievance panel (Chair) will invite the worker to re-state their grievance and how they would like to see it resolved.

All parties involved in the Grievance have a right to call witnesses and refer to any documents previously provided to the Hearing Officer/Chair.

If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give their evidence and asked to leave once they have done so.

The Hearing Officer/Chair and/or panel members may question the worker and any of the witnesses.

The worker will be given the opportunity at the end of the Grievance Hearing to sum up but may not introduce any new material.

If the grievance concerns another member of staff, they will be invited to the hearing to discuss the issues raised in the grievance. It may be appropriate in some cases to meet with both parties separately to discuss the complaint.

The member of staff who has had the grievance brought against them has the right to submit a written submission prior to the hearing. This submission will be circulated to the Hearing Officer/Chair and all parties involved. The written submission must be received by the Hearing Officer/Chair at least 2 working days before the hearing.

Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.

Any accompanying trade union representative, full-time union official or work colleague, will be allowed to address the meeting to put and sum up the case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the meeting, if in accordance with the wishes of the worker.

The meeting may be adjourned by either the worker or by the Hearing Officer/Chair, if it is considered necessary to gather further information or evidence or clarify any issue. The meeting will be reconvened as soon as possible.

The Hearing Officer/Chair may also hold any additional meetings as would, in their view, assist to resolve the grievance.

After the meeting has taken place, the Hearing Officer/Chair may need to undertake an investigation into the issues raised by the worker. This will be carried out by an investigating officer who must be uninvolved in the case. Investigations will be conducted fairly and without delay. If there are unavoidable delays all parties will be kept informed.

The worker will be required to attend investigation meetings when requested to do so.

Once the investigation is complete, the Hearing Officer/Chair will then consider the details heard in private.

The Hearing Officer/Chair must inform the worker of their decision, in writing, and their right of appeal against the decision.

The Hearing Officer/Chair must ensure that any appropriate action identified as an outcome to the grievance will be undertaken within agreed timescales and a record of any actions taken kept. This may mean the recommendations may need to be referred to another person within the organisation for action.

Grievance Decision(s)

Following the meeting the Hearing Officer/Panel must decide on what action, if any, to take.

All decisions must be communicated to the worker in writing, and where appropriate, set out what action the employer intends to take to resolve the grievance. This should happen without unreasonable delay and within 5 working days. In the event of a delay, which may extend beyond 5 days, **[Name of employer]** will explain the reason(s) for the delay to the employee.

The worker should be made aware at this stage that if they are unhappy with the outcome they can appeal.

Appeals Procedure

Where a worker feels that their grievance has not been satisfactorily resolved they can appeal the decision.

Any appeal must be made in writing and sent to **[insert specific role and contact details where possible]** within 10 working days of the written decision being received by the worker. The appeal should set out the reason(s) why the worker is not satisfied with the decision taken by the Hearing Officer/Panel.

The worker will then be invited to an appeal meeting in order that the appeal can be discussed.

The appeal should be heard without delay (ideally within 10 working days) and should be dealt with impartiality by a person(s) within **[name of employer]** who has not previously been involved in the case and has no conflict of interest, along with a representative from HR if applicable.

The person(s) hearing the appeal will be provided with all the material presented at the original hearing.

All workers have the statutory right to be accompanied by a trade union representative, full-time union official or work colleague at the appeal meeting.

Appeal Decision

The outcome of the appeal should be communicated to the worker in writing without unreasonable delay and within 5 working days. In the event of a delay, which may extend beyond 5 days, **[Name of employer]** will explain the reason(s) for the delay to the employee.